WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 9

(By Mr. Speaker, Mr. Thomas)

PASSED Feb. 20, 1939

In Effect ______ from ______ Passage
AN ACT to amend and reenact section four, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to the further confinement of convicts for second and third offenses.

Be it enacted by the Legislature of West Virginia:

That section four, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 4. Procedure in Sentencing Convicts to Further Confinement for Second and Third Offenses. When a prisoner convicted of an offense and sentenced to confinement therefor in the penitentiary, is received therein, if he was before convicted in the United States of a crime punishable by imprisonment in a penitentiary and the record of his conviction does


not show that he has been sentenced under sections eighteen
or nineteen, article eleven, chapter sixty-one of this Code, the
warden of the penitentiary shall give information thereof,
without delay, to the circuit court of the county of Marshall,
whether it be alleged or not in the indictment on which he was
convicted that he had before been previously so convicted.
The court shall cause the convict to be brought before it, and
upon an information filed, setting forth the several records of
conviction, and alleging the identity of the prisoner with the
person named in each, shall require the convict named to say
whether he is the same person or not. If he say he is not, or
remain silent, his plea, or the fact of his silence, shall be en-
tered of record, and a jury shall be impaneled to inquire
whether the convict is the same person mentioned in the sev-
eral records. If the jury find that he is not the same person,
he shall be remanded to the penitentiary; but if they find
that he is the same person, or if he acknowledge in open court,
after being duly cautioned, that he is the same person, the
court shall sentence him to such further confinement as is
prescribed by article eleven, chapter sixty-one of this Code,
on a second or third conviction, as the case may be.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Franz Millender
Acting Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from...passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within...approved this the 27th
day of...November 1939.

Governor.

Filed in the office of the Secretary of State of West Virginia...FEB 27 1939....FEB 27 1939
Wm. S. O'Brien, Secretary of State