

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 4

(By Mr. Speaker, Mr. Thomas)



PASSED Feb. 20, 1939

In Effect from Passage

ENROLLED

House Bill No. 7

(BY MR. SPEAKER, MR. THOMAS)

[Passed February 20, 1939; in effect from passage.]

AN ACT to amend and reenact section sixteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the term of imprisonment for felony, and to repeal sections twenty-nine and thirty, article five, chapter twenty-eight of the Code of West Virginia, one thousand nine hundred thirty-one.

Be it enacted by the Legislature of West Virginia:

That sections twenty-nine and thirty, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, be repealed and that section sixteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 16. *Term of Imprisonment for Felony; Indeterminate Sentence.* Every sentence to the penitentiary of a per-

3 son convicted of a felony, for which the maximum penalty pre-
4 scribed by law is less than life imprisonment, shall be a gen-
5 eral sentence of imprisonment in the penitentiary. In impos-
6 ing this sentence, the judge may, however, designate a definite
7 term, which designation may be considered by the director
8 of probation and parole as the opinion of the judge
9 under the facts and circumstances then appearing of the
10 appropriate term recommended by him to be served by the
11 person sentenced. Imprisonment under a general sentence
12 shall not exceed the maximum term prescribed by law for the
13 crime for which the prisoner was convicted, less such good
14 time allowance as is provided by sections twenty-seven and
15 twenty-seven-a, article five, chapter twenty-eight of this code,
16 in the case of persons sentenced for a definite term. Every
17 other sentence of imprisonment in the penitentiary shall be
18 for a definite term or for life, as the court may determine.
19 The term of imprisonment in jail, where that punishment is
20 prescribed in the case of conviction for felony, shall be fixed
21 by the court.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frank Millender
Acting. Chairman Senate Committee

Deed Baecker
Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

Shelton
Clerk of the Senate

Geo. S. Hare
Clerk of the House of Delegates

William
President of the Senate

James Kay Thomas
Speaker House of Delegates

The within *approved* this the *27th*

day of *February*, 1939.

Samuel
Governor.



Filed in the office of the Secretary of State
of West Virginia. **MAR 2 1939**
Wm. S. O'BRIEN,
Secretary of State