

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 281

(By Mr. Moore.....)



PASSED March 8,..... 1941

In Effect from..... Passage

281

**ENROLLED**  
**House Bill No. 281**  
(BY MR. MOORE)

[Passed March 8, 1941; 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, as amended and reenacted by chapter twenty-four, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to penitentiary imprisonment.

*Be it enacted by the Legislature of West Virginia:*

That section sixteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted by chapter twenty-four, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 16. *Term of Imprisonment for Felony; Inde-*  
2 *terminate Sentence.*—Every sentence to the penitentiary  
3 of a person convicted of a felony for which the maximum

4 penalty prescribed by law is less than life imprisonment,  
5 except offenses committed by convicts in the peniten-  
6 tiary punishable under chapter sixty-two, article eight,  
7 section one of the code, shall be a general sentence of  
8 imprisonment in the penitentiary. In imposing this sen-  
9 tence, the judge may however, designate a definite term,  
10 which designation may be considered by the director of  
11 probation and parole as the opinion of the judge under  
12 the facts and circumstances then appearing of the appro-  
13 priate term recommended by him to be served by the  
14 person sentenced. Imprisonment under a general sen-  
15 tence shall not exceed the maximum term prescribed by  
16 law for the crime for which the prisoner was convicted,  
17 less such good time allowance as is provided by sections  
18 twenty-seven and twenty-seven-a, article five, chapter  
19 twenty-eight of this code, in the case of persons sentenced  
20 for a definite term. Every other sentence of imprison-  
21 ment in the penitentiary shall be for a definite term or  
22 for life, as the court may determine. The term of im-  
23 prisonment in jail, where that punishment is prescribed

24 in the case of conviction for felony, shall be fixed by the  
25 the court.

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

C. H. Mc Kown  
Chairman Senate Committee

Leon Rice  
Chairman House Committee

Originated in the House of Delegates

Takes effect from \_\_\_\_\_ passage.

Adlai Walburn  
Clerk of the Senate

Asheff  
Clerk of the House of Delegates

Byron B. Randolph  
President of the Senate

Malcolm R. Arnold  
Speaker House of Delegates

The within approved this the 14  
day of March, 1941.

Matthew M. Reedy  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. MAR 24 1941  
Wm. S. O'BRIEN,  
Secretary of State