WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 281

(By Mr. Moore)

PASSED March 8, 1941

In Effect from Passage
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 the State 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; Indeterminate Sentence.—Every sentence to the penitentiary of a person convicted of a felony for which the maximum
penalty prescribed by law is less than life imprisonment, except offenses committed by convicts in the penitentiary punishable under chapter sixty-two, article eight, section one of the code, shall be a general sentence of imprisonment in the penitentiary. In imposing this sentence, the judge may however, designate a definite term, which designation may be considered by the director of probation and parole as the opinion of the judge under the facts and circumstances then appearing of the appropriate term recommended by him to be served by the person sentenced. Imprisonment under a general sentence shall not exceed the maximum term prescribed by law for the crime for which the prisoner was convicted, less such good time allowance as is provided by sections twenty-seven and twenty-seven-a, article five, chapter twenty-eight of this code, in the case of persons sentenced for a definite term. Every other sentence of imprisonment in the penitentiary shall be for a definite term or for life, as the court may determine. The term of imprisonment in jail, where that punishment is prescribed
in the case of conviction for felony, shall be fixed by the court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. H. M. Kown
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates.

Takes effect from ________________________ passage.

Adale Watson
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Malcolm P. Arnold
Speaker House of Delegates

The within ____________________________ this the 14th
day of ________________, 1941.

Matthew McNeely
Governor.

Filed in the office of the Secretary of State
of West Virginia. ____________________________
Wm. S. O'Brien, 1941
Secretary of State