

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

SENATE BILL No. 146

(By Mr. Randolph, Mr. President)

PASSED March 4 1941

In Effect 90 days from Passage



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Senate Bill No. 146  
(BY MR. RANDOLPH, MR. PRESIDENT)

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[Passed March 4, 1941; in effect ninety days from passage.]

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AN ACT to amend and reenact section fourteen, article fifteen, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, relating to the commitment of veterans to the Veterans Administration or other agency of the United States Government.

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

That section fourteen, article fifteen, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows: . . .

**Article 15. Veterans' Guardianship and Commitment.**

Section 14. *Commitment to Veterans Administration*  
2 *or other agency of United States Government.* Whenever  
3 it appears that a veteran of any war, military occupation  
4 or expedition is eligible for care or treatment by the  
5 Veterans Administration or other agency of the United  
6 States Government, and commitment thereto is neces-  
7 sary for the proper treatment and care of such veteran,  
8 the county court, or other tribunal in lieu thereof, of  
9 the county in which such person resides, or of the  
10 county in which such person is found, if he is not a  
11 resident of this state, upon receipt of a certificate from  
12 the Veterans Administration or such other agency showing  
13 that facilities are available and that such person is eli-  
14 gible for care or treatment therein, may commit such  
15 person to the Veterans Administration or other agency  
16 of the United States Government for care or treatment.  
17 Thereafter, such person, upon admission to any such  
18 facility, shall be subject to the rules and regulations of  
19 the Veterans Administration or other agency of the  
20 United States Government. The chief officer of any such  
21 facility or institution to which such person is committed

22 under the provisions of this section shall be vested with  
23 the same powers now exercised by officials of state hos-  
24 pitals for mental diseases within this state with respect  
25 to the retention, transfer, parole or discharge of persons  
26 so committed. Notice of such pending commitment pro-  
27 ceedings shall be furnished the person whose commit-  
28 ment is sought and his right to appear and defend shall  
29 not be denied. The judgment or order of commitment  
30 by a court of competent jurisdiction of another state  
31 committing a person to the Veterans Administration or  
32 other agency of the United States Government for care  
33 or treatment, shall have the same force and effect as to  
34 such person while in this State as in the state in which is  
35 situated the court entering such judgment or making such  
36 order.

37 Upon receipt of a certificate of the Veterans Admini-  
38 stration or other agency of the United States Government  
39 that facilities are available for the care or treatment of  
40 any person heretofore or hereafter committed to any  
41 hospital for the insane or other institution in this state  
42 for the care of persons similarly afflicted; and that such

43 person is eligible for care or treatment by the Veterans  
44 Administration or other agency of the United States, the  
45 superintendent of any such hospital or institution in this  
46 state is hereby authorized to cause the transfer of any  
47 such person to the Veterans Administration or other  
48 agency of the United States Government for care or  
49 treatment. Upon effecting any such transfer, the com-  
50 mitting court shall be notified thereof by the transferring  
51 agency: *Provided, however,* That no person shall be  
52 transferred if he be confined pursuant to conviction of  
53 any crime or misdemeanor, or if he shall have been  
54 acquitted of any such charge solely on the ground of  
55 insanity, unless prior to such transfer the court originally  
56 committing such person, shall enter an order for such  
57 transfer after appropriate motion and hearing.

58 Any person transferred as provided in this section shall  
59 be deemed to be committed to the Veterans Administra-  
60 tion or other agency of the United States Government  
61 pursuant to the original commitment the same as if he  
62 had been originally so committed.

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

*C. H. McKown*  
Chairman Senate Committee

*Leon Rice*  
Chairman House Committee

Originated in the *Senate*

Takes effect *90 days from* passage

*Charles Walters*  
Clerk of the Senate

*Stalliff*  
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 *14th*  
day of *March*, 1941.

*Matthew M. Neely*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. **MAR 14 1941**  
Wm. S. O'BRIEN,  
Secretary of State