

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943

ENROLLED

*Committee Substitute for*

HOUSE BILL No. 238

*(Originating in the committee on the Judiciary)*

(By Mr. \_\_\_\_\_)

PASSED March 13 1943

In Effect from Passage

122

# ENROLLED

COMMITTEE SUBSTITUTE FOR

## House Bill No. 238

(Originating in the Committee on the Judiciary)

[Passed March 13, 1943; 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 last amended by chapter twenty-one, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to sentences of imprisonment for felony.

*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 last amended by chapter twenty-one, acts of the Legislature, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 16. *Sentences of Imprisonment for Felony.*—

- 2 Every sentence to the penitentiary of a person convicted
- 3 of a felony, for which the maximum penalty prescribed by

4 law is less than life imprisonment, shall be either a defin-  
5 ite term or a general sentence of imprisonment in the  
6 penitentiary, whichever, in the judgment of the court,  
7 the circumstances of the particular case may require. If  
8 a general sentence be imposed, the court may designate  
9 a definite term which designation may be considered by  
10 the director of probation and parole as the recommenda-  
11 tion of the court as to the time the person sentenced  
12 should be imprisoned. Imprisonment under a general  
13 sentence shall not exceed the maximum term prescribed  
14 by law for the crime for which the person was convicted  
15 and from such maximum extent of the sentence deduc-  
16 tions of time may be allowed for good conduct and work  
17 as provided by law in the case of definite terms. Every  
18 other sentence of imprisonment in the penitentiary shall  
19 be for a definite term or for life, as the court may de-  
20 termine. The term of imprisonment in jail, where that  
21 punishment is prescribed in the case of conviction for  
22 felony, shall be fixed by the court.

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

Ray L. Grimes  
Chairman Senate Committee

Frederic L. Potroff  
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Fred B. Watkins  
Clerk of the Senate

J. Klipp  
Clerk of the House of Delegates

James Pangle  
President of the Senate

John E. Carson  
Speaker House of Delegates

The within \_\_\_\_\_ this the \_\_\_\_\_

day of \_\_\_\_\_, 1943.

\_\_\_\_\_  
Governor.

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Filed in the office of the Secretary of State  
of West Virginia **MAR 19 1943**  
Wm. S. O'BRIEN,  
Secretary of State