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
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
law is less than life imprisonment, shall be either a definite term or a general sentence of imprisonment in the penitentiary, whichever, in the judgment of the court, the circumstances of the particular case may require. If a general sentence be imposed, the court may designate a definite term which designation may be considered by the director of probation and parole as the recommendation of the court as to the time the person sentenced should be imprisoned. Imprisonment under a general sentence shall not exceed the maximum term prescribed by law for the crime for which the person was convicted and from such maximum extent of the sentence deductions of time may be allowed for good conduct and work as provided by law in the case of definite terms. 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.

Reg F. James  
Chairman Senate Committee

Fred J. Pettit  
Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Fred B. Martin  
Clerk of the Senate

Clerk of the House of Delegates

James Pence  
President of the Senate

John E. Wilson  
Speaker House of Delegates

The within this the day of , 1943.

Governor.

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