

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 115

(By Mr. Davis)



PASSED March 5, 1947

In Effect Ninety Days from Passage



115

## ENROLLED

# House Bill No. 115

(By MR. DAVIS)

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[Passed March 5, 1947; in effect ninety days from passage.]

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AN ACT to repeal sections ten, eleven, and twelve, article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact section nine of such article, relating to the commitment and discharge of persons charged with a crime, when such persons are mentally ill or mentally defective.

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

That sections ten, eleven, and twelve, article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one as amended be repealed, and that section nine of such article be amended and reenacted to read as follows:

### **Article 3. Trial of Criminal Cases**

Section 9. *Commitment and Discharge of Mentally Ill*

2 *Persons or Mental Defectives Charged with Crime.*---

3 Whenever any person charged with or convicted of a  
4 crime, or acquitted thereof because of his mental condi-  
5 tion, is thought to be mentally ill or mentally defective,  
6 the judge of the court of record in which he was so  
7 charged, convicted, or acquitted, may on his own motion  
8 inquire into the mental condition of such person. The  
9 judge of such court or the judge of any other court of  
10 record of the county in which such person may be found,  
11 shall make such inquiry upon the application of an in-  
12 ferior court not of record in which such person was so  
13 charged, convicted, or acquitted, or upon the application of  
14 the official in charge of any penitentiary, prison, jail or  
15 lockup in which such person may be confined. The judge  
16 shall appoint two physicians to examine such person and  
17 report in writing on his mental condition. If on the basis  
18 of the reports the judge is satisfied that such person is  
19 mentally ill or mentally defective, he may order that such  
20 person be committed to a state institution. The sheriff or  
21 other officer in charge of such person shall immediately  
22 deliver him to the superintendent of the institution to  
23 which he was committed, and it shall be the duty of the

24 superintendent to admit and care for him. When any  
25 person committed as provided in this section has been  
26 found by the superintendent not to be mentally ill or men-  
27 tally defective, or whenever such person has recovered,  
28 the superintendent shall give notice thereof to the judge  
29 of the court by whose order he was committed and shall  
30 deliver him to the proper officer upon the order of the  
31 court. If a person committed as provided in this section  
32 is awaiting indictment or trial, or has been arraigned or  
33 is being tried, proceedings against him shall be stayed un-  
34 til his recovery. Upon his recovery the court shall order  
35 that he be returned for the disposition of the charges  
36 against him. Thereupon the court shall proceed to dis-  
37 pose of the case as if there had been no commitment. If  
38 the person committed is a prisoner serving sentence, the  
39 time during which he is in the institution shall be com-  
40 puted as part of the time for which he was sentenced.

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

Forest L. McVeer  
Chairman Senate Committee

R. S. Matthews  
Chairman House Committee

Originated in the House of Delegates

Takes effect Thirty days from passage.

Howard Myers  
Clerk of the Senate

[Signature]  
Clerk of the House of Delegates

Arnold M. Vickers  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 12<sup>th</sup>  
day of March, 1947.

Clasew Meadows  
Governor.

Filed in the Office of the Secretary of State  
of West Virginia **MAR 13 1947**  
Wm. S. O'Brien,  
SECRETARY OF STATE