WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 115

(By Mr. Davis)

PASSED March 5, 1947

In Effect Ninety Days from Passage
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article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one as amended be repealed, and that section nine of such article be amended and reenacted to read as follows: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 Persons or Mental Defectives Charged with Crime.—
Whenever any person charged with or convicted of a crime, or acquitted thereof because of his mental condition, is thought to be mentally ill or mentally defective, the judge of the court of record in which he was so charged, convicted, or acquitted, may on his own motion inquire into the mental condition of such person. The judge of such court or the judge of any other court of record of the county in which such person may be found, shall make such inquiry upon the application of an inferior court not of record in which such person was so charged, convicted, or acquitted, or upon the application of the official in charge of any penitentiary, prison, jail or lockup in which such person may be confined. The judge shall appoint two physicians to examine such person and report in writing on his mental condition. If on the basis of the reports the judge is satisfied that such person is mentally ill or mentally defective, he may order that such person be committed to a state institution. The sheriff or other officer in charge of such person shall immediately deliver him to the superintendent of the institution to which he was committed, and it shall be the duty of the
superintendent to admit and care for him. When any
person committed as provided in this section has been
found by the superintendent not to be mentally ill or men-
tally defective, or whenever such person has recovered,
the superintendent shall give notice thereof to the judge
of the court by whose order he was committed and shall
deliver him to the proper officer upon the order of the
court. If a person committed as provided in this section
is awaiting indictment or trial, or has been arraigned or
is being tried, proceedings against him shall be stayed un-
til his recovery. Upon his recovery the court shall order
that he be returned for the disposition of the charges
against him. Thereupon the court shall proceed to dis-
pose of the case as if there had been no commitment. If
the person committed is a prisoner serving sentence, the
time during which he is in the institution shall be com-
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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect [Signature] passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within [Signature] this the [Signature] day of [Signature], 1947.

[Signature]
Governor.

Filed in the Office of the Secretary of State of West Virginia [Signature] MAR 3, 1947
WM. S. CLENN, SECRETARY OF STATE