

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 117

(By Mr. Davis)



PASSED March, 5, 1947

In Effect Ninety days from Passage



117

**ENROLLED**

**House Bill No. 117**

(By MR. DAVIS)

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

AN ACT to amend and reenact section three, article three, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, relating to the institution of proceedings for the commitment of persons who are mentally ill or mentally defective, including the taking of such persons into protective custody.

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

That section three, article three, chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 3. *How Proceedings Originated; Complaint;*  
2 *Warrant.*—If any resident of a county suspect any person  
3 therein to be a lunatic, he may make complaint under  
4 oath to the clerk of the county court, giving such infor-

5 mation and stating such facts therein as may be required,  
6 and deliver the same to the clerk of the county court,  
7 whose duty it shall be to issue a warrant ordering the  
8 person so suspected and named in such complaint to be  
9 brought before the commission at a time and place named  
10 therein, that his sanity may be inquired into. Any mem-  
11 ber of the commission without such complaint may have  
12 such warrant issued for any person found in his county,  
13 whom he shall suspect to be a lunatic. All such warrants  
14 shall be signed by the clerk of the county court and have  
15 impressed thereon the seal thereof; and may be addressed  
16 to the sheriff of the county or to any constable of any  
17 district thereof, or to a special constable appointed for  
18 the purpose and named therein; but if any relative or  
19 friend of the person so suspected will serve such warrant  
20 and cause such suspected person to be brought before  
21 the commission, he may be allowed to do so. The officer  
22 or person to whom the warrant is addressed shall take  
23 the suspected person into custody and bring him before  
24 the commission at the time and place named therein.

25 Whenever a person apparently mentally ill is so vio-  
26 lent as to endanger his own safety or the safety of others,  
27 any law enforcement officer may with or without a war-  
28 rant take such person into protective custody.

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

Forest L. McNeer  
Chairman Senate Committee

R. S. Matthews  
Chairman House Committee

Originated in the House of Delegates

Takes effect thirty days from passage.

Howard Meyer  
Clerk of the Senate

James  
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.

Clarence Medsker  
Governor.



Filed in the Office of the Secretary of State  
of West Virginia. **MAR 13 1947**  
W. S. GIBSON,  
SECRETARY OF STATE