

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 267

(By Mr. Harmer)



PASSED March, 8, 1947

In Effect Ninty days from Passage



267

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Senate Bill No. 267

(By MR. HARMER)

[Passed March 8, 1947; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article one, and section two, article two, and section two, article three, and section two, article four, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, relating to State Correctional Institutions.

Be it enacted by the Legislature of West Virginia:

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

Article 1.

Section 2. *Commitment to Industrial School; Age Lim-*

2 *its.*—Any white male youth between the ages of ten and
3 eighteen years may be committed to the West Virginia
4 Industrial School for Boys:

5 (a) By any juvenile or domestic relations court of com-
6 petent jurisdiction for any of the causes, and in the man-
7 ner prescribed in article two, chapter forty-nine of the
8 code of West Virginia, one thousand nine hundred thirty-
9 one, as amended and reenacted by chapter one, of the acts
10 of the Legislature of West Virginia, first extraordinary
11 session of one thousand nine hundred thirty-six, pertain-
12 ing to delinquent children.

13 (b) By any court of record of competent jurisdiction of
14 this state or of the United States for the districts of West
15 Virginia in the manner prescribed in the next succeeding
16 section of this article; *Provided, however,* That any white
17 male youth who has been adjudged delinquent and placed
18 on probation by a court of competent jurisdiction prior to
19 his eighteenth birthday may be committed to the West
20 Virginia industrial school for boys for any act or omis-
21 sion amounting to a violation of any condition of his pro-
22 bation which said act or omission occurred prior to the
23 expiration of the period of his probation and prior to the
24 attainment of his twenty-first birthday.

25 But no youth shall be committed to such school as an

26 inmate thereof, who is of unsound mind, or imbecilic, or
27 idiotic, or epileptic, or afflicted with tuberculosis. Be-
28 fore committing a boy to the industrial school for boys,
29 the court committing him shall cause him to be examined
30 by a full time county health physician duly authorized
31 to practice medicine in this state, or if there be no full
32 time county health physician, then by some physician duly
33 authorized to practice medicine in this state designated
34 by the juvenile court for that purpose, in order to ascer-
35 tain whether such boy is sound in mind, or whether he
36 is an imbecile, or an idiot, or afflicted with tuberculosis,
37 epilepsy, syphilis, gonorrhoea or any other infectious dis-
38 ease, and as to any other particulars deemed necessary
39 by the juvenile court as may be prescribed in the rules
40 and regulations of the West Virginia board of control.

41 In the event there is no full time health officer in the
42 county or if there be one and the county health depart-
43 ment is not adequately equipped or staffed to give the men-
44 tal or physical examinations required in cases in the
45 opinion of the juvenile court needing specialized diag-
46 nostic services, the juvenile court may order the child to

47 receive such physical or mental examinations from a duly
48 qualified physician designated by the juvenile court and
49 it shall be the duty of the county court and the county
50 court shall pay for such examinations and services upon
51 receipt of an itemized statement along with the written
52 order and approval of the juvenile court. Such examina-
53 tion shall be made in private. The physician making such
54 examination shall make out a statement respecting the
55 particulars named in the form prescribed by the state
56 health department and the West Virginia board of con-
57 trol, which certificate of the physician shall accompany
58 the commitment. If it shall appear from such examina-
59 tion or otherwise that the boy is of unsound mind, or
60 is imbecilic, or idiotic, or epileptic, or is afflicted with
61 tuberculosis, epilepsy, syphilis, gonorrhoea or has any in-
62 fectious disease, he shall not be committed to the said
63 industrial school, except as hereinafter provided; and
64 the superintendent of the industrial school shall not re-
65 ceive any boy into such school unless the commitment
66 is accompanied by a certificate of health, signed by such
67 physician, showing that he is not of unsound mind and

68 is not an imbecile, or idiot, nor afflicted with tuberculo-
69 sis, epilepsy, syphilis, gonorrhoea, or any other infectious
70 disease. If, upon such examination it shall appear that
71 the boy is suffering with tuberculosis, or a venereal dis-
72 ease, in any stage, the judge committing such boy shall
73 make an order committing him to the industrial school,
74 and shall make an additional order directing that he
75 first be transferred to one of the state hospitals for tuber-
76 culosis, in case he is found to have tuberculosis, and in
77 case he is found to be infected with any venereal disease,
78 then to the Fairmont emergency hospital or the Welch
79 emergency hospital for observation, treatment and de-
80 tention, pending such treatment until cured of such vene-
81 real disease or rendered completely non-infectious there-
82 from, after which time he shall be transferred to the
83 industrial school at Pruntytown and be kept as provided
84 by law: *Provided, however,* That any such boy who is
85 feeble-minded shall be sent to the West Virginia train-
86 ing school, or if there is no room in the training school,
87 then to one of the state hospitals for the insane, and not
88 to Fairmont emergency hospital or Welch emergency

89 hospital. It shall be the duty of the superintendents of
90 the hospitals at Fairmont or Welch to receive into said
91 hospitals all boys who may be committed thereto as pro-
92 vided herein, and to detain, care for, and treat such boys
93 until cured or rendered completely non-infectious, and
94 as soon thereafter as convenient arrange to transfer them
95 to the industrial school at Pruntytown, except as herein
96 provided.

97 The said board of control shall provide such suitable
98 buildings or equipment at the said hospitals as may be
99 necessary to carry out the provisions of this section in-
100 cluding the expenses of transferring the boys to the
101 industrial school for boys and their care and treatment
102 at said hospitals.

103 It shall be the duty of the clerk of the committing court,
104 upon the commitment of a boy who is infected with a
105 venereal disease to the said hospital, as provided herein,
106 to notify the director of the bureau of venereal diseases
107 of West Virginia of the fact, giving the name, age and
108 address of the boy, and the disease from which he is suf-
109 fering; and it shall be the duty of the superintendent of

110 the hospital receiving such boy to notify the director
111 when any boy is received and when he is transferred to
112 the industrial school as provided herein.

113 In the case of boys found to be afflicted with venereal
114 disease but who have been rendered non-infectious, but
115 who have not by treatment as herein provided been com-
116 pletely cured, the further treatment of such boys shall
117 be continued by a competent doctor at the industrial
118 school for boys, following the directions given by the
119 superintendent of the Fairmont emergency hospital or
120 the Welch emergency hospital; and the decision of the
121 superintendent of Fairmont emergency hospital or Welch
122 emergency hospital that any boy is non-infectious and
123 admissible to the industrial school for boys may be ques-
124 tioned only by appeal to the commissioner of health of
125 the state of West Virginia, who, in such a case, shall make
126 due investigation and shall order such boy returned to
127 the Fairmont emergency hospital or Welch emergency
128 hospital for further treatment or order that such boy
129 have his treatment continued at the industrial school for
130 boys; and in all such cases where treatment is given or

131 continued at the industrial school for boys, careful rec-
132 ords shall be kept for each boy under treatment showing
133 the dates of treatment and the progress of the case.

Article 2.

Section 2. *Industrial School for Colored Boys; General*
2 *Provisions.*—All of the provisions of section two, three,
3 four, five, six, seven, eight, nine, ten and eleven of article
4 one of this chapter, and any amendment or amendments
5 thereto, or reenactment thereof, shall apply to the West
6 Virginia industrial school for colored boys; to commit-
7 ments thereto, and the inmates thereof, to the same extent
8 and with the same effect as if such sections expressly re-
9 lated to colored boys were set out in this article, except
10 where commitment to the West Virginia training school,
11 or one of the state hospitals for the insane is provided for
12 a boy found to be feeble-minded, the Lakin state hospital
13 shall be substituted therefor; and where commitment to
14 the Fairmont emergency hospital or Welch emergency
15 hospital of a boy found to be suffering from a venereal
16 or other disease is provided, the Lakin state hospital shall
17 be substituted therefor, in cases of colored boys, and the

18 Denmar sanitarium for colored boys found to be afflicted
19 with tuberculosis.

Article 3.

Section 2. *Commitment to Industrial Home.*—Any white
2 girl, a legal resident of the state between the ages of
3 twelve and eighteen years, may be committed to the
4 West Virginia industrial home for girls:

5 (a) By any juvenile or domestic relations court of com-
6 petent jurisdiction for any of the causes and in the man-
7 ner prescribed in article two, chapter forty-nine of this
8 code for dealing with delinquent children;

9 (b) By any court of record of competent jurisdiction of
10 this state or of the United States for the districts of West
11 Virginia, in the manner provided in the next succeeding
12 section of this article.

13 But no girl shall be committed to such home as an in-
14 mate thereof who is of unsound mind, or imbecilic, or
15 idiotic, or epileptic; *Provided, however,* That any white
16 girl who has been adjudged delinquent and placed on pro-
17 bation by a court of competent jurisdiction prior to her
18 eighteenth birthday may be committed to the West Vir-

19 ginia industrial home for girls for any act or omission
20 amounting to a violation of any condition of her probation
21 which said act or omission occurred prior to the expira-
22 tion of the period of her probation and prior to the at-
23 tainment of her twenty-first birthday.

Article 4.

Section 2. *Industrial School for Colored Girls; General*
2 *Provisions.*—All of the provisions of sections one, two,
3 three, four, five, six, seven, eight, nine, ten, eleven, twelve,
4 thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,
5 nineteen, twenty, twenty-one, and twenty-two of article
6 three of this chapter and any amendment or amendments
7 thereto, or reenactment thereof, shall apply to the West
8 Virginia industrial home for colored girls, to commit-
9 ments thereto, and the inmates thereof, to the same ex-
10 tent and with the same effect as if such sections expressly
11 related to colored girls and were set out in this article,
12 except where commitment to the West Virginia train-
13 ing school or to one of the state hospitals for the insane
14 is provided for a girl found to be feeble-minded, the Lakin
15 state hospital shall be substituted therefor; and where

16 commitments to the Fairmont emergency hospital of a
17 girl found to be suffering from a venereal or other infec-
18 tious disease is provided for, the Lakin state hospital shall
19 be substituted therefor.

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

Forest L. McNeil
Chairman Senate Committee

R. B. Matthews
Chairman House Committee

Originated in the Senate

Takes effect thirty days from passage.

Howard Myers
Clerk of the Senate

J. A. Huff
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 13
day of March, 1947.

Clarence Medsker
Governor.



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