

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 228

(By Mr. Schupback ^{Chief}
Mr. Roach)



PASSED March 12 1949

In Effect From Passage



228

ENROLLED
House Bill No. 228

(By MR. SCHUPBACH and MR. ROACH)

[Passed March 12, 1949: in effect from passage]

AN ACT to amend and reenact section three, article seven, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the execution of sentence of death.

Be it enacted by the Legislature of West Virginia:

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

Section 3. *Execution of Death Sentence.*—Sentence of
2 death, except for insurrection or rebellion, shall not be
3 executed sooner than thirty days after the sentence is
4 pronounced. The sentence of death shall, in every case,
5 be executed by electrocution of the convict until he is
6 dead: *Provided, however,* That as to all capital punish-
7 ment crimes committed prior to the effective date of this

8 act, the law with reference to the execution of the death
9 penalty, in such cases, shall be by the method provided
10 by law immediately prior to the enactment of this statute.
11 Such punishment shall be executed within the walls of the
12 West Virginia penitentiary and not elsewhere, and within
13 an enclosure to be prepared for that purpose, under the
14 direction of the warden of the penitentiary and the author-
15 ities in control thereof, which enclosure shall be so con-
16 structed as to exclude public view; and the warden of the
17 West Virginia penitentiary, or, in case of his death, absence
18 or inability to act, a deputy warden, shall be the execution-
19 er; and for his services in executing such sentence, the said
20 warden, or deputy warden, shall receive the sum of twen-
21 ty-five dollars, to be paid out of any fund on hand appro-
22 priated for the maintenance and support of the West Vir-
23 ginia penitentiary.

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

Frank S. Meyer

Chairman Senate Committee

R. Matthews

Chairman House Committee

Originated in the House of Delegates

Takes effect From passage.

Howard Myers

Clerk of the Senate

J. A. Huff

Clerk of the House of Delegates

A. Broughton Houston

President of the Senate

W. E. Sherman

Speaker House of Delegates

The within APPROVED this the 18TH

day of MARCH, 1949.

Okey L. Patton
Governor.



Filed in the Office of the Secretary of State
of West Virginia

MAR 18 1949

D. PITT O'BRIEN,
SECRETARY OF STATE