

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 113

(By Messrs. Sinsel & Love)

PASSED March 11 1949

In Effect Thirty days from Passage



113

ENROLLED

Senate Bill No. 113

(By MESSRS. SINSEL AND LOVE)

[Passed March 11, 1949; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as heretofore amended, reenacted and added to by chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to probation and the appointment and fixing of salaries of court or county probation officers, assistant court or county probation officers and clerical assistants, by judges of courts having authority to place offenders on probation.

Be it enacted by the Legislature of West Virginia:

That section five, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as

heretofore amended, reenacted and added to by chapter twenty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted to read as follows:

Section 5. *Probation Officers.*—The judge of any court
2 actively exercising jurisdiction in criminal cases and
3 having authority to place offenders on probation is au-
4 thorized to appoint a court or county probation officer
5 and a clerical assistant to serve during the pleasure of the
6 appointing judge, and in addition in counties having a
7 population of more than one hundred fifty thousand, such
8 judge is authorized to appoint an assistant court or county
9 probation officer: *Provided*, That the appointing judge
10 shall first obtain the approval of the county court or
11 the county courts in his judicial circuit of the expenses
12 to be incurred and the salary or salaries to be paid the
13 court or county probation officer and clerical assistants,
14 which approval shall be discretionary with said county
15 court or courts and shall be required before any appoint-
16 ment made hereunder becomes effective.
17 The appointment of a court or county probation officer,

18 assistant court or county probation officer and clerical
19 assistant shall be in writing and entered on the order book
20 of the court by the judge making such appointment and a
21 copy of said order of appointment shall be delivered to
22 the county court of the county in which said court or
23 county probation officer, assistant court or county proba-
24 tion officer and clerical assistant shall serve. The said
25 order of appointment shall state the monthly salary fixed
26 by said judge, to be paid the court or county probation of-
27 ficer, assistant court or county probation officer or clerical
28 assistant so appointed. A court or county probation of-
29 ficer shall receive for his services a monthly salary of not
30 less than two hundred nor more than three hundred dol-
31 lars per month; an assistant court or county probation
32 officer shall receive for his services a monthly salary of
33 not less than one hundred seventy-five and not more than
34 two hundred and fifty dollars per month. A clerical as-
35 sistant shall receive for his services not to exceed two
36 hundred dollars per month. The county court shall make
37 provisions for payment and pay monthly the salary of
38 the court or county probation officer, assistant court or

39 county probation officer and clerical assistant as desig-
40 nated in the order of appointment.

41 The county court shall provide adequate office space,
42 equipment and supplies for the court or county probation
43 officer, assistant court or county probation officer and
44 clerical assistant, to be approved by the appointing judge.

45 The county court shall reimburse a court or county pro-
46 bation officer and an assistant court or county probation
47 officer for all expenses actually and necessarily incurred
48 in line of duty in the field.

49 No judge shall appoint any court or county probation
50 officer, assistant court or county probation officer or cleri-
51 cal assistant who is related to him either by consanguinity
52 or affinity.

53 A judge of a circuit court whose circuit comprises more
54 than one county, having authority to appoint a court or
55 county probation officer, may appoint a court or county
56 probation officer and a clerical assistant in each county of
57 such circuit, or may appoint the same person as a court
58 or county probation officer and also the same person as a
59 clerical assistant in two or more of such counties.

60 When a judge has appointed a court or county probation
61 officer and a clerical assistant to serve in a judicial circuit
62 including more than one county, the salary and expenses
63 of such appointees shall be contributed by each county
64 sharing in the services of such appointees in the proportion
65 agreed upon by such counties, if they agree, otherwise
66 in the proportion of the populations in the counties de-
67 rived from the last United States census.

68 In lieu of, or in addition to, the court or county proba-
69 tion officers, assistant court or county probation officers
70 and clerical assistants provided for in this section, the
71 judge may avail himself of the services of state probation
72 and parole officers; and any such services which may be
73 provided to the court or judge by said state probation and
74 parole officers, shall be rendered at no additional cost to
75 any court or judge so using them. The director of pro-
76 bation and parole may assist any court or county proba-
77 tion officer, upon request, with information relative to
78 procedure, printed forms, and technique applicable to
79 probation methods.

80 Nothing contained in this act shall in any manner alter,
81 modify, affect or supersede the appointment, tenure or
82 salary of any probation officer appointed by any court
83 under any special act of the Legislature heretofore or
84 hereafter enacted.

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

Joseph L. Menden

Chairman Senate Committee

R. P. Matthews

Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* passage.

Howard Meyer

Clerk of the Senate

J. Ashp

Clerk of the House of Delegates

Robert H. ...

President of the Senate

W. E. ...

Speaker House of Delegates

The within *APPROVED* this the *18TH* day of *MARCH*, 1949.

Orley 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