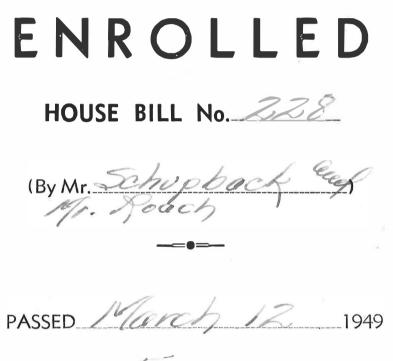
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



In Effect From Passage

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 death, except for insurrection or rebellion, shall not be executed sooner than thirty days after the sentence is pronounced. The sentence of death shall, in every case, be executed by electrocution of the convict until he is dead: *Provided. however*. That as to all capital punishment crimes committed prior to the effective date of this Enr. H. B. No. 228]

act, the law with reference to the execution of the death 8 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 West Virginia penitentiary and not elsewhere, and within 12 13 an enclosure to be prepared for that purpose, under the 14 direction of the warden of the penitentiary and the authorities in control thereof, which enclosure shall be so con-15 16 structed as to exclude public view; and the warden of the West Virginia penitentiary, or, in case of his death, absence 17 18 or inability to act, a deputy warden, shall be the executioner; and for his services in executing such sentence, the said 19 20warden, or deputy warden, shall receive the sum of twenty-five dollars, to be paid out of any fund on hand appro-21 priated for the maintenance and support of the West Vir-22 23 ginia penitentiary.

2

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

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates Takes effect passage. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The within APPROVED this the 18TH day of MARCH, 1949. Old . Governor. cretary of State Filed in the Office of West Virginia O'BRIEN, D. PIT SECRETARY OF STATE