WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED

HOUSE BILL No. 154

(By Mr. Davis)

PASSED March 5, 1951

In Effect Timely after Passage
AN ACT to amend and reenact section four, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended and reenacted by chapter twenty-three, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to the further confinement of convicts for second and third offenses.

Be it enacted by the Legislature of West Virginia:

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

Section 4. Procedure in Sentencing Convicts to Further Confinement for Second and Third Offenses.—When a prisoner convicted of an offense and sentenced to con-
4 finement therefor in the penitentiary, is received therein,
5 if he was before convicted in the United States of a
6 crime punishable by imprisonment in a penitentiary and
7 the record of his conviction does not show that he has
8 been sentenced under sections eighteen or nineteen,
9 article eleven, chapter sixty-one of this code, the warden
10 of the penitentiary may give information thereof, to the
11 circuit court of the county of Marshall, whether it be
12 alleged or not in the indictment on which he was con-
13 victed that he had before been previously so convicted.
14 If such information is given, the court shall cause the
15 convict to be brought before it, and upon an information
16 filed, setting forth the several records of conviction, and
17 alleging the identity of the prisoner with the person
18 named in each, shall require the convict named to say
19 whether he is the same person or not. If he say he is not,
20 or remain silent, his plea, or the fact of his silence, shall
21 be entered of record, and a jury shall be impaneled to
22 inquire whether the convict is the same person mentioned
23 in the several records. If the jury find that he is not the
24 same person, he shall be remanded to the penitentiary;
but if they find that he is the same person, or if he acknowledge in open court, after being duly cautioned, that he is the same person, the court shall sentence him to such further confinement as is prescribed by article eleven, chapter sixty-one of this code, on a second or third conviction, as the case may be.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 15th day of March, 1951.

Governor

D. Pitt O'Brien, Secretary of State