ENROLLED

SENATE BILL NO. 26

(By Mr. Love)

PASSED February 9, 1951

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

Be it enacted by the Legislature of West Virginia:

That section four, 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 4. Certificate of Death Sentence and Indictment to Be Sent to Warden; Transfer of Convict to Penitentiary; Persons Present at Electrocution.—The clerk of the court which pronounces the sentence of death shall, as soon as may be, after sentence, deliver a certified copy thereof to the proper officer of such court, who shall
retain the custody of the person so sentenced to death until delivered to a properly authorized guard sent by the warden for the removal of such person to the penitentiary. And the clerk of such court shall also forthwith transmit, to the warden of the penitentiary, a copy of the indictment, conviction and sentence; and if the clerk fail to so transmit such certified copies as here provided, he shall forfeit one hundred dollars. And the warden shall, upon receipt of such copies, as soon as it may be, send a guard, or two guards at the most, to the place where such person is confined, to remove such person so sentenced to the penitentiary and there deliver him. And the said warden, or deputy warden, shall proceed, unless a suspension of execution be ordered, at the time and place named in such sentence, to cause the convict under sentence of death to be electrocuted as provided in the next preceding section of this article. At the execution there may be present, besides the officers of the court imposing such sentence, such other officers and such guards and assistants as the warden or deputy warden shall see fit. He shall request the presence of the prosecuting attorney in such
28 court, the clerk thereof, and twelve respectable citizens,
29 including a physician and surgeon, and such representa-
30 tives of the press as he may desire, and he shall permit
31 the presence of the counsel of the convict, and such min-
32 isters of gospel as he shall desire, and such of the convict's
33 relations as he shall deem prudent.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect 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 February, 1951.

Governor.

D. Pitt O'Brien, Secretary of State