

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951

ENROLLED

SENATE BILL NO. 26

(By Mr. Love)

PASSED February 9, 1951

In Effect from Passage



28

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 Electrocutation.*—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

7 retain the custody of the person so sentenced to death un-
8 til delivered to a properly authorized guard sent by the
9 warden for the removal of such person to the penitentiary.
10 And the clerk of such court shall also forthwith transmit,
11 to the warden of the penitentiary, a copy of the indict-
12 ment, conviction and sentence; and if the clerk fail to so
13 transmit such certified copies as here provided, he shall
14 forfeit one hundred dollars. And the warden shall, upon
15 receipt of such copies, as soon as it may be, send a guard,
16 or two guards at the most, to the place where such person
17 is confined, to remove such person so sentenced to the
18 penitentiary and there deliver him. And the said warden,
19 or deputy warden, shall proceed, unless a suspension of
20 execution be ordered, at the time and place named in such
21 sentence, to cause the convict under sentence of death
22 to be electrocuted as provided in the next preceding sec-
23 tion of this article. At the execution there may be present,
24 besides the officers of the court imposing such sentence,
25 such other officers and such guards and assistants as the
26 warden or deputy warden shall see fit. He shall re-
27 quest 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.

Robert C. Byrd
Chairman Senate Committee

James M. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *from* _____ passage.

Samuel Myers
Clerk of the Senate

J. R. Aliff
Clerk of the House of Delegates

James Law Houston
President of the Senate

W. E. Hamner
Speaker House of Delegates

The within *APPROVED* this the *15th*
day of *FEBRUARY*, 1951.

Oliver L. Pittman
Governor.



of West Virginia **FEB 15 1951**
D. PITT O'BRIEN,
SECRETARY OF STATE