

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1951



ENROLLED

HOUSE BILL No. 154

(By Mr. Davis)



PASSED March 5 1951

In Effect Forty days from Passage



154

**ENROLLED**  
**House Bill No. 154**

(By MR. DAVIS)

[Passed March 5, 1951; in effect ninety days from passage.]

AN ACT to amend and reenact section for, 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*  
2 *Confinement for Second and Third Offenses.*—When a  
3 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;

25 but if they find that he is the same person, or if he ack-  
26 nowledge in open court, after being duly cautioned, that  
27 he is the same person, the court shall sentence him to  
28 such further confinement as is prescribed by article  
29 eleven, chapter sixty-one of this code, on a second or  
30 third conviction, as the case may be.

*James M. ...*  
*for ...*

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 House of Delegates

Takes effect Twenty days from passage.

Thomas Kasper  
Clerk of the Senate

J. R. Clipp  
Clerk of the House of Delegates

Robert C. Byrd  
President of the Senate

W. E. Hanner  
Speaker House of Delegates

The within Approved this the 15<sup>th</sup>  
day of MARCH, 1951.

Chas. S. Patton  
Governor



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