

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953



ENROLLED

HOUSE BILL No. 96

(By Mr. Bowles)



PASSED March 14, 1953

In Effect ninety days from Passage



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House Bill No. 96
(By MR. BOWLES)

[Passed March 14, 1953; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article eighteen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the criminal jurisdiction and procedure of justices of the peace.

Be it enacted by the Legislature of West Virginia:

That section one, article eighteen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. *Limits of, and Cases in Which Justice May*
2 *Exercise Criminal Jurisdiction; Penalties.*—A justice shall
3 have jurisdiction of the following offenses committed
4 in his county, or on any river or creek adjoining thereto:
5 (a) In cases of assault and battery, unless the offense
6 was committed on a sheriff or other officer or justice,
7 or riotously, or with intent to commit a felony; and no

8 compromise with the party injured shall affect or pre-
9 vent the trial of such offense by the justice; and if a
10 defendant be convicted of such offense he shall be fined
11 not less than five nor more than fifty dollars;

12 (b) In cases of trespass to personal property; and, if
13 a defendant be convicted of such offense, he shall be
14 fined not less than five nor more than fifty dollars;

15 (c) In cases for the violation of section fourteen, arti-
16 cle six, chapter sixty-one of this code; and, upon the con-
17 viction of a defendant for a violation of any of the pro-
18 visions of said section, he shall be punished as therein
19 provided;

20 (d) In cases of adultery and fornication; and, if a de-
21 fendant be convicted of such offense, he shall be fined
22 twenty dollars;

23 (e) In cases of petit larceny; and, if a defendant be
24 convicted of such offense, he shall be fined not less than
25 ten nor more than thirty dollars, and may, at the discre-
26 tion of the justice or jury trying the case, be imprisoned
27 in the county jail not exceeding thirty days;

28 (f) In cases for the violation of article seven, chapter

29 sixty-one of this code; and, upon the conviction of a de-
30 fendant for a violation of any of the provisions of
31 said article, he shall be punished as therein pro-
32 vided;

33 (g) In any case where the punishment is limited to
34 a fine not exceeding ten dollars, or to imprisonment for
35 not more than ten days.

36 (h) In all misdemeanor cases for the violation of the
37 provisions of chapter sixty of said code as amended.

38 (i) In cases for the violation of section thirteen, article
39 six, chapter sixty-one of this code; and, upon the convic-
40 tion of a defendant for a violation of any of the provis-
41 ions of said section, he shall be punished as therein
42 provided.

43 (j) In all misdemeanor cases for the violation of the
44 provisions of chapter nineteen of this code. Upon convic-
45 tion of a defendant for a violation of any of the provis-
46 ions of chapter nineteen of this code, the defendant shall
47 be punished as therein provided.

48 *Provided, however,* That whenever a person has been
49 convicted in the municipal or police court of any incor-

50 porated town or city, such conviction shall be a bar to
51 any criminal proceedings before a justice for the same
52 offense.

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

L. M. Kinley
Chairman Senate Committee

C. H. Mubler
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety day from passage.

J. Howard Meyer
Clerk of the Senate

J. S. Clift
Clerk of the House of Delegates

Ralph Bran
President of the Senate

W. E. Hanner
Speaker House of Delegates

The within approved this the 20th
day of March, 1953.

William C. Macland
Governor



FILED IN THE OFFICE OF THE SECRETARY OF STATE
OF THE VIRGINIA
MAR 20 1953
D. PITT O'BRIEN,
SECRETARY OF STATE