

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 41

(By Mr. White)



PASSED March 17 1955

In Effect 90 days from Passage

Filed In the Office of the Secretary of State
of West Virginia. MAR 17 1955
D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

House Bill No. 41

(By MR. WHITE)

[Passed March 12, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to violation of probation; revocation and arrest.

Be it enacted by the Legislature of West Virginia:

That section ten, article twelve, 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 10. *Violation of Probation; Revocation and*
2 *Arrest.*—If at any time during the period of probation
3 there shall be reasonable cause to believe that the pro-
4 bationer has violated any of the conditions of his pro-
5 bation, the probation officer may arrest him with or with-
6 out an order or warrant, or the court which placed him
7 on probation, or the judge thereof in vacation, may issue

8 an order for his arrest, whereupon he shall be brought
9 before the court, or the judge thereof in vacation, for a
10 prompt and summary hearing. If it shall then appear to
11 the satisfaction of the court or judge that any condition of
12 probation has been violated, the court or judge may
13 revoke the suspension of imposition or execution of sent-
14 ence, impose sentence if none has been imposed, and order
15 that sentence be executed. In computing the period for
16 which the offender is to be imprisoned, the time between
17 his release on probation and his arrest shall not be taken
18 to be any part of the term of his sentence. If, despite a
19 violation of the conditions of probation, the court or judge
20 shall be of the opinion that the interests of justice do not
21 require that the probationer serve his sentence, the court
22 or judge may, except when the violation was the com-
23 mission of a felony, again release him on probation.

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

Alvin C. Camp
Chairman Senate Committee

W. T. Brewster Jr.
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Howard Koger
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Ralph Kean
President of the Senate

W. E. Flannery
Speaker House of Delegates

The within approved this the 16
day of March, 1953.

William C. Marland
Governor



Filed In the Office of the Secretary of State
of West Virginia. **MAR 17 1955**

D. PITT O'BRIEN
SECRETARY OF STATE