

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 128

(By Mr. Meats & Carrigan)

PASSED Feb 28, 1957

In Effect July 1, 1957 Passage

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Senate Bill No. 128

(By MR. MOATS AND MR. CARRIGAN)

[Passed February 28, 1957; in effect July 1, 1957.]

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

Be it enacted by the Legislature of West Virginia:

That section five, 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 5. *Probation Officers.*—The judge of any court
2 actively exercising jurisdiction in criminal cases and hav-
3 ing authority to place offenders on probation is author-
4 ized to appoint a court or county probation officer and a

5 clerical assistant to serve during the pleasure of the ap-
6 pointing judge, and in addition in counties having a popu-
7 lation of more than one hundred fifty thousand, such
8 judge is authorized to appoint an assistant court or county
9 probation officer: *Provided*, That the appointing judge
10 shall first obtain the approval of the county court or the
11 county courts in his judicial circuit of the expenses to
12 be incurred and the salary or salaries to be paid the court
13 or county probation officer and clerical assistants, which
14 approval shall be discretionary with said county court
15 or courts and shall be required before any appointment
16 made hereunder becomes effective.

17 The appointment of a court or county probation officer,
18 assistant court or county probation officer and clerical
19 assistant shall be in writing and entered on the order
20 book of the court by the judge making such appointment
21 and a copy of said order of appointment shall be de-
22 livered to the county court of the county in which said
23 court or county probation officer, assistant court or
24 county probation officer and clerical assistant shall serve.
25 The said order of appointment shall state the monthly

26 salary fixed by said judge, to be paid the court or county
27 probation officer, assistant court or county probation of-
28 ficer or clerical assistant so appointed. A court or county
29 probation officer shall receive for his services a monthly
30 salary of not less than three hundred nor more than five
31 hundred dollars per month; an assistant court or county
32 probation officer shall receive for his services a monthly
33 salary of not less than three hundred and not more than
34 four hundred dollars per month. A clerical assistant shall
35 receive for his services not to exceed two hundred dol-
36 lars per month. The county court shall make provisions
37 for payment and pay monthly the salary of the court or
38 county probation officer, assistant court or county proba-
39 tion officer and clerical assistant as designated in the
40 order of appointment.

41 The county court shall provide adequate office space,
42 equipment and supplies for the court or county probation
43 officer, assistant court or county probation officer and
44 clerical assistant, to be approved by the appointing judge.
45 The county court shall reimburse a court or county pro-
46 bation officer and an assistant court or county probation

47 officer for all expenses actually and necessarily incurred
48 in line of duty in the field.

49 No judge shall appoint any court or county probation
50 officer, assistant court or county probation officer or cleri-
51 cal assistant who is related to him either by consanguinity
52 or affinity.

53 A judge of a circuit court whose circuit comprises more
54 than one county, having authority to appoint a court or
55 county probation officer, may appoint a court or county
56 probation officer and a clerical assistant in each county
57 of such circuit, or may appoint the same person as a court
58 or county probation officer and also the same person as a
59 clerical assistant in two or more of such counties.

60 When a judge has appointed a court or county proba-
61 tion officer and a clerical assistant to serve in a judicial
62 circuit including more than one county, the salary and
63 expenses of such appointees shall be contributed by each
64 county sharing in the services of such appointees in the
65 proportion agreed upon by such counties, if they agree,
66 otherwise in the proportion of the population in the
67 counties derived from the last United States census.

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68 In lieu of, or in addition to, the court or county proba-
69 tion officers, assistant court or county probation officers
70 and clerical assistants provided for in this section, the
71 judge may avail himself of the services of state probation
72 and parole officers; and any such services which may be
73 provided to the court or judge by said state probation and
74 parole officers, shall be rendered at no additional cost to
75 any court or judge so using them. The director of proba-
76 tion and parole may assist any court or county probation
77 officer, upon request, with information relative to pro-
78 cedure, printed forms, and technique applicable to proba-
79 tion methods.

80 Nothing contained in this section shall in any manner
81 alter, modify, affect or supersede the appointment, tenure
82 or salary of any probation officer appointed by any court
83 under any special act of the legislature heretofore or
84 hereafter enacted.

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

E. Brodeur
Chairman Senate Committee

Thomas P. Welch
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1957 passage.

Strom Thurmond
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. W. Whitbeck
Speaker House of Delegates

The within approved this the 11th
day of March, 1957.

Leigh B. Henderson
Governor



Filed In the Office of the Secretary of State
of West Virginia. **MAR 12 1957**
D. PITT GIBSEN
SECRETARY OF STATE