

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



## ENROLLED

*Committee Substitute for*  
HOUSE BILL No. 23

(By Mr. *Comm. on Judiciary*)



PASSED Feb 11 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State  
of West Virginia FEB 19 1959  
JOE F. BURDETT  
SECRETARY OF STATE

**ENROLLED**

**House Bill No. 23**

[Passed February 11, 1959; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article eight, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to desertion or non-support of wife or child; the offense; penalty; allowing a convicted person to remain in his regular employment and to be confined in jail between periods of employment.

*Be it enacted by the Legislature of West Virginia:*

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

Section 1. *Offense; Penalty.*—Any husband who shall,  
2 without just cause, desert or wilfully neglect or refuse  
3 to provide for the support and maintenance of his wife,  
4 in destitute and necessitous circumstances, or any parent  
5 who shall, without lawful excuse, desert or wilfully neg-  
6 lect or refuse to provide for the support and maintenance

7 of his or her legitimate or illegitimate child or children,  
8 under the age of sixteen years, in destitute and neces-  
9 sitous circumstances, shall be guilty of a misdemeanor,  
10 and, upon conviction thereof, shall be fined not exceeding  
11 five hundred dollars, or imprisoned in the county jail  
12 not exceeding one year, with hard labor, or both, and the  
13 court may also direct that the husband or parent work  
14 on the public highways of this state or where he may  
15 obtain employment, and the court may order such pay-  
16 ments to be made to the wife, guardian, custodian or  
17 trustee of such minor child or children as he may deem  
18 necessary for their maintenance, taking into considera-  
19 tion the station in life of such husband or parent and  
20 any other circumstances surrounding the case: *Provided*,  
21 *however*, That if such husband or parent be regularly  
22 employed, the court in its discretion may order such hus-  
23 band or parent to remain in such employment, and it  
24 shall be the duty of the sheriff to arrange for a continua-  
25 tion of said employment without interruption, and when-  
26 ever such husband or parent is not employed, and be-  
27 tween the hours or periods of employment, he or she

28 shall be confined in jail unless the court shall otherwise  
29 direct. The earnings of such husband or parent shall be  
30 collected by the sheriff, and from such earnings the sheriff  
31 shall pay the board and reasonably necessary personal  
32 expenses of such husband or parent, both inside and out-  
33 side the jail, and, to the extent directed by the court, pay  
34 the balance to the wife, guardian, custodian or trustee of  
35 such minor child or children, as the court may order.

Enr. Com. Sub. for H. B. No. 23] 4

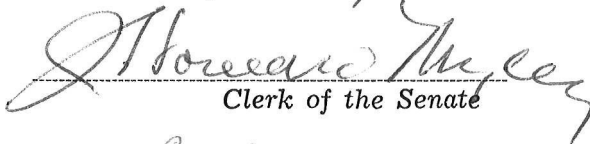
The Joint Committee on Enrolled Bills hereby certifies that  
the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

  
Chairman House Committee

Originated in the House of Delegates.

Takes effect 90 days from passage.

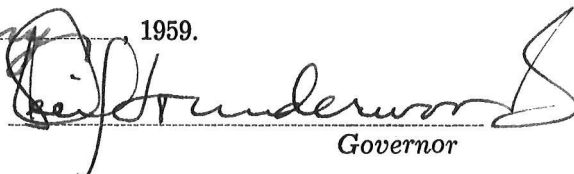
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 19th  
day of February, 1959.

  
Governor

