WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED
Committee Substitute for
HOUSE BILL No. 23

(By Mr.  Committee 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
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, without just cause, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife, in destitute and necessitous circumstances, or any parent who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance
Enr. Com. Sub. for H. B. No. 23] 2

of his or her legitimate or illegitimate child or children,
under the age of sixteen years, in destitute and neces-
sitous circumstances, shall be guilty of a misdemeanor,
and, upon conviction thereof, shall be fined not exceeding
five hundred dollars, or imprisoned in the county jail
not exceeding one year, with hard labor, or both, and the
court may also direct that the husband or parent work
on the public highways of this state or where he may
obtain employment, and the court may order such pay-
ments to be made to the wife, guardian, custodian or
trustee of such minor child or children as he may deem
necessary for their maintenance, taking into considera-
tion the station in life of such husband or parent and
any other circumstances surrounding the case: Provided,
however, That if such husband or parent be regularly
employed, the court in its discretion may order such hus-
band or parent to remain in such employment, and it
shall be the duty of the sheriff to arrange for a continua-
tion of said employment without interruption, and when-
ever such husband or parent is not employed, and be-
tween the hours or periods of employment, he or she
shall be confined in jail unless the court shall otherwise direct. The earnings of such husband or parent shall be collected by the sheriff, and from such earnings the sheriff shall pay the board and reasonably necessary personal expenses of such husband or parent, both inside and outside the jail, and, to the extent directed by the court, pay the balance to the wife, guardian, custodian or trustee of 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.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates.

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Ralph Bean
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 19th

day of February 1959.

[Signature]
Governor