

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 368

(By Mr. WHITE AND MR. ROBERTSON)



PASSED March 5, 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State
of West Virginia

MAR 12 1959

JOE F. BURDETT
SECRETARY OF STATE

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House Bill No. 368

(By MR. WHITE and MR. ROBERTSON)

[Passed March 5, 1959; in effect ninety days from passage.]

AN ACT to amend article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven, relating to the disposition by a judge of any court of record of evidence and exhibits introduced at a hearing, trial, or otherwise.

Be it enacted by the Legislature of West Virginia:

That article five, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven, to read as follows:

Section 11. *When Exhibits or Articles of Evidence May*
2 *Be Disposed Of.*—Any court of record in this state, or the
3 judge thereof in vacation, may in its discretion by order
4 entered of record dispose of by return to the owner there-

5 of, or by destruction, sale, or otherwise, any exhibit or
6 article introduced or offered in evidence at the hearing, or
7 upon the trial, of any matter or case before such court
8 or judge, and remaining in the custody or control of such
9 court for a period of thirty days after the expiration of
10 the time within which an appeal may be taken from any
11 final order or judgment in such matter or case, if no ap-
12 peal is taken therefrom, or thirty days, after any final
13 order or judgment of an appellate court, if such appeal
14 is taken therein: *Provided, however,* That if the owner-
15 ship of such exhibit or article be known, the owner shall
16 be notified and such exhibit or article shall be returned
17 to him if he so desires.

18 Any court of record having original criminal jurisdic-
19 tion, or the judge thereof in vacation, may in its discretion
20 by order entered of record, dispose of by destruction, sale,
21 or otherwise any property or article, the ownership of
22 which is unknown, and which has been seized or has come
23 into the hands of any law enforcement officer in pur-
24 suance of the discharge of his official duties in any county
25 within the jurisdiction of such court: *Provided, however,*

26 That if the ownership of such exhibit or article be known,
27 the owner shall be notified and such exhibit or article
28 shall be returned to him if he so desires.

29 Any sale directed hereunder shall be made upon such
30 notice and terms and by such officer or other person as
31 the court or judge shall direct. The proceeds of any such
32 sale shall be applied to the reasonable costs and expenses
33 of such sale as the court or judge shall allow, and the re-
34 mainder thereof shall be paid into the general fund of the
35 county.

36 The provisions of this section shall not apply or ex-
37 tend to the county court of any county; nor shall any
38 property or article be disposed of hereunder contrary
39 to any other statute which expressly provides a dif-
40 ferent disposition.

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

W. K. [Signature]
Chairman Senate Committee

J. F. [Signature]
Chairman House Committee

Originated in the House of Delegates.

Takes effect *90 days from* passage.

Howard Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. R. Parley
Speaker House of Delegates

The within *approved* this the *12th*

day of *March*, 1959.

Geoff. Underwood
Governor

