

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



## ENROLLED

HOUSE BILL No. 422

(By Mr. Boiesox Mr. Cullton)



PASSED March 14 1959

In Effect from Passage



Filed in Office of the Secretary of State  
of West Virginia **MAR 20 1959**  
JOE F. BURDETT  
SECRETARY OF STATE

**ENROLLED**

**House Bill No. 422**

(By MR. BOIARSKY and MR. CHILTON)

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[Passed March 14, 1959; in effect from passage.]

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AN ACT to amend and reenact section three, article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to criminal jurisdiction of persons under eighteen years of age.

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

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

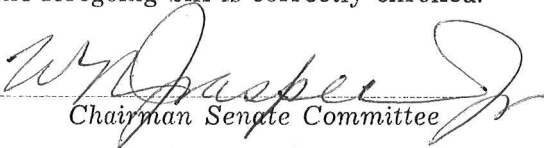
Section 3. *Criminal Jurisdiction.*—Except as to a violation of law which if committed by an adult would be a capital offense, the juvenile court shall have exclusive jurisdiction to hear and determine criminal charges including a charge of violation of a municipal ordinance, against a person who is under eighteen years of age at the time of the alleged offense.

8     If during the pendency of a criminal proceeding against  
9     a person in a court other than a juvenile court, it shall be  
10    ascertained, or it shall appear, that the person was under  
11    the age of eighteen years at the time of the alleged offense,  
12    the court, judge or magistrate shall immediately transfer  
13    the case with all the papers, documents, and testimony  
14    connected therewith to the juvenile court having juris-  
15    diction. The juvenile court shall proceed to hear and dis-  
16    pose of the case in the same manner as if it had been  
17    instituted in that court in the first instance: *Provided,*  
18    *however,* That for violations of the traffic laws of West  
19    Virginia as contained in chapter seventeen-c of this code,  
20    or for the violation of a municipal traffic ordinance, jus-  
21    tices of the peace courts and municipal courts when appro-  
22    priate shall have concurrent jurisdiction with the juvenile  
23    court and such persons under the age of eighteen years  
24    shall be liable for punishment for violation of such traffic  
25    statutes and ordinances in the same manner as adults.

26    Any person who is under the age of eighteen years shall  
27    be entitled to be admitted to bail or recognizance in the  
28    same manner as a person over the age of eighteen years,


29 and shall have the protection guaranteed by article three,  
30 section five of the constitution of West Virginia, and also  
31 the right to be admitted to bail or recognizance in the  
32 same manner as a person over the the age of eighteen  
33 years.

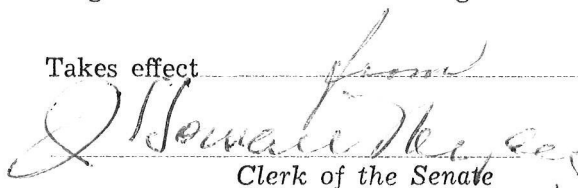
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

  
Chairman House Committee

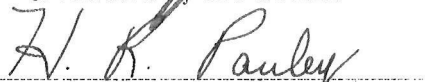
Originated in the House of Delegates


Takes effect  from \_\_\_\_\_ passage.

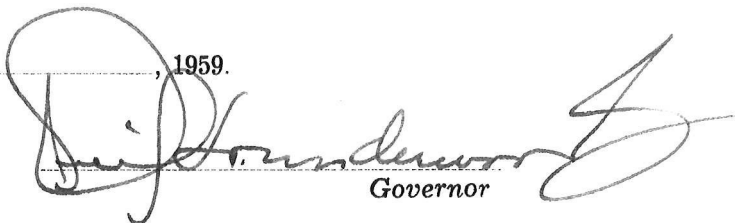
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker, House of Delegates

The within  approved this the 20th  
day of March, 1959.

  
Governor