

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

Committee Substitute for
HOUSE BILL No. 5

Originating in the Committee on the Judiciary
(By ~~Mr.~~ _____)



PASSED February 11, 1959

In Effect Ninety days from Passage



Filed in Office of the Secretary of State
of West Virginia FEB 20 1959

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
Committee Substitute for
House Bill No. 5

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

AN ACT to amend and reenact section twenty-one, article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to discharge from prosecution of person charged with a felony or misdemeanor for failure to try within specified time, and exceptions thereto.

Be it enacted by the Legislature of West Virginia:

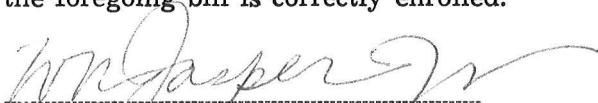
That section twenty-one, article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 21. *Discharge for Failure to Try; Exceptions.*—

2 Every person charged by presentment or indictment with
3 a felony or misdemeanor, and remanded to a court of com-
4 petent jurisdiction for trial, shall be forever discharged
5 from prosecution for the offense, if there be three regular
6 terms of such court, after the presentment is made or the

7 indictment is found against him, without a trial, unless
8 the failure to try him was caused by his insanity; or by
9 the witnesses for the state being enticed or kept away,
10 or prevented from attending by sickness or inevitable
11 accident; or by a continuance granted on the motion of
12 the accused; or by reason of his escaping from jail, or
13 failing to appear according to his recognizance, or of the
14 inability of the jury to agree in their verdict; and every
15 person charged with a misdemeanor before a justice of the
16 peace, city police judge, or any other inferior tribunal,
17 and who has therein been found guilty and has appealed
18 his conviction of guilt and sentence to a court of record,
19 shall be forever discharged from further prosecution for
20 the offense set forth in the warrant against him, if after
21 his having appealed such conviction and sentence, there
22 be three regular terms of such court without a trial,
23 unless the failure to try him was for one of the causes
24 hereinabove set forth relating to proceedings on indict-
25 ment.

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



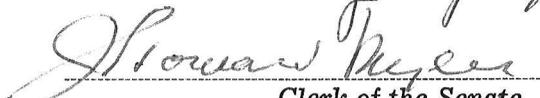
Chairman, Senate Committee



Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

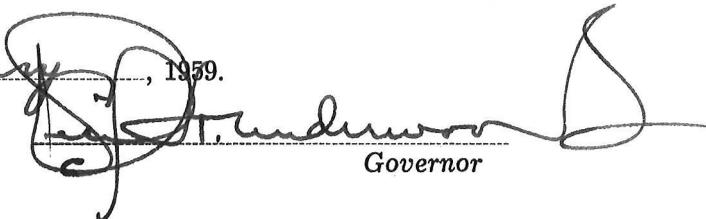


President of the Senate



Speaker, House of Delegates

The within approved this the 20th

day of February, 1959.


Governor

