WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED
Committee Substitute for
HOUSE BILL No. 5

(By Mr. [signature], in the Committee on the Judiciary)

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
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 a felony or misdemeanor, and remanded to a court of competent jurisdiction for trial, shall be forever discharged from prosecution for the offense, if there be three regular terms of such court, after the presentment is made or the
indictment is found against him, without a trial, unless the failure to try him was caused by his insanity; or by
the witnesses for the state being enticed or kept away, or prevented from attending by sickness or inevitable
accident; or by a continuance granted on the motion of the accused; or by reason of his escaping from jail, or
failing to appear according to his recognizance, or of the inability of the jury to agree in their verdict; and every
person charged with a misdemeanor before a justice of the peace, city police judge, or any other inferior tribunal,
and who has therein been found guilty and has appealed his conviction of guilt and sentence to a court of record,
shall be forever discharged from further prosecution for the offense set forth in the warrant against him, if after
his having appealed such conviction and sentence, there be three regular terms of such court without a trial,
unless the failure to try him was for one of the causes hereinabove set forth relating to proceedings on indict-
ment.
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 ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker, House of Delegates

The within approved this the 20th day of February, 1859.

[Signature]
Governor