

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 82

(By Mr. Martin)

PASSED Feb. 24 1959

In Effect From Passage



Filed in Office of the Secretary of State
of West Virginia

MAR 4 1959

**JOE F. BURDETT
SECRETARY OF STATE**

ENROLLED
Senate Bill No. 82
(By MR. MARTIN)

[Passed February 24, 1959; in effect from passage.]

AN ACT to amend article one, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section seventeen, relating to legal actions or proceedings in which a member of the Legislature may be a party, witness or attorney.

Be it enacted by the Legislature of West Virginia:

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

Section 17. *Members Not Required to Attend Court*
2 *Before, During or After Sessions.*—No member of the

3 Legislature, without his consent, may be required to ap-
4 pear in any action or proceeding in any court of the state
5 of West Virginia and/or any court sitting in said state as
6 a party, witness or attorney within ten days immediately
7 before, at any time during any session of the Legislature,
8 and within thirty days thereafter. Any sentence, judg-
9 ment, order or decree made contrary to the provisions of
10 this section, in any action or proceeding without the con-
11 sent of such member of the Legislature who is a party or
12 attorney therein, if in a court having regular terms, shall
13 be set aside upon the application by motion of any party
14 to the action or proceeding or by the attorney of such
15 party, if made at the next regular term of such court com-
16 mencing after the adjournment of such session of the
17 Legislature; and, if in a court not having regular terms
18 or by a justice of the peace, shall be set aside upon such
19 application if made within thirty days next following
20 such adjournment. Such sentences, judgments, orders and
21 decrees shall not be invalid by reason of the provision
22 hereof until and unless set aside in the manner and within
23 the time limits herein prescribed.

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

W. Jasper

Chairman Senate Committee

Eudora Andrews

Chairman House Committee

Originated in the Senate.

Takes effect From ----- passage.

J. Sproum

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Ralph Bean

President of the Senate

H. R. Paeley

Speaker House of Delegates

The within approved ----- this the 4th
day of March, 1959.

W. H. Underwood

Governor

