

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 162

(By Mr. Cason, Mr. President, and
Mr. Montgomery)

PASSED March 12, 1965

In Effect from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-18-65

#162

ENROLLED

Senate Bill No. 162

(By MR. CARSON, MR. PRESIDENT, and MR. MONTGOMERY)

[Passed March 12, 1965; in effect from passage.]

AN ACT to amend and reenact section twenty-nine, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appointment of officer in charge of the criminal identification bureau of the department of public safety.

Be it enacted by the Legislature of West Virginia:

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

Section 29. Criminal Identification Bureau Established.

2 —The superintendent of the department of public safety
3 shall establish, equip, and maintain at the offices of the
4 department located at Charleston, a criminal identifica-

5 tion bureau, for the purpose of receiving and filing finger-
6 prints, photographs and other records pertaining to the
7 investigation of crime and the apprehension of criminals,
8 as hereinafter provided. The superintendent shall appoint
9 or designate a regularly enlisted member of the depart-
10 ment as officer in charge of the criminal identification
11 bureau and such officer shall be responsible to the super-
12 intendent for the affairs of the bureau. Members of the
13 department assigned to the criminal identification bureau
14 shall classify and file fingerprints, compare the finger-
15 prints of persons arrested with those on file and notify
16 the arresting officer if it is found by comparison of finger-
17 prints that any person has a previous criminal record, or
18 is a fugitive from justice. They shall also cooperate with
19 other members of the department of public safety, and
20 all state, county and city law enforcement officials through-
21 out the state in connection with the identification and
22 apprehension of criminals. Such members shall cooperate
23 with identification bureaus of other states and of the
24 United States to develop and carry on a complete inter-
25 state, national and international system of criminal identi-

26 fication. They may furnish copies of the fingerprints of
27 persons arrested in this state to the identification bureau
28 of the United States government and to other states for
29 the purpose of ascertaining if such persons have been pre-
30 viously arrested or convicted of crime.

31 (1) Persons in charge of any penal or correctional
32 institution in this state shall take, or cause to be taken,
33 the fingerprints and description of all persons lawfully
34 committed thereto or confined therein and furnish the
35 same in duplicate to the criminal identification bureau,
36 department of public safety at Charleston. Such finger-
37 prints shall be taken on forms approved by the superin-
38 tendent of the department of public safety. All such
39 officials as herein named may, when possible to do so,
40 furnish photographs to the criminal identification bureau
41 of such persons so fingerprinted.

42 (2) Members of the department of public safety, and
43 all other state law enforcement officials, sheriffs, deputy
44 sheriffs, constables, and each and every peace offi-
45 cer in this state, shall take or cause to be taken the
46 fingerprints and description of all persons arrested

47 or detained by them, charged with any crime or offense
48 in this state, in which the penalty provided therefor is
49 confinement in any penal or correctional institution, or
50 of any person who they have reason to believe is a fugi-
51 tive from justice or an habitual criminal, and furnish
52 the same in duplicate to the criminal identification bu-
53 reau, department of public safety, Charleston, on forms
54 approved by the superintendent of said department of
55 public safety. All such officials as herein named may,
56 when possible to do so, furnish to the criminal identifi-
57 cation bureau, photographs of such person so finger-
58 printed. The arresting officer shall submit to the criminal
59 identification bureau, in duplicate, a report of final dispo-
60 sition concerning any case held for court, or in any case
61 in which the disposition thereof has not been previously
62 furnished to said bureau (on the fingerprint record of
63 the person arrested). Such report of final disposition shall
64 be made on forms furnished or approved by the super-
65 intendent of the department of public safety.

66 (3) Any person who has been fingerprinted or photo-
67 graphed in accordance with the provisions of this section,

68 who is acquitted of the charges upon which he or she was
69 arrested, and who has no previous criminal record, may,
70 upon the presentation of satisfactory proof to the super-
71 intendent of the department of public safety, have such
72 fingerprints or photographs, or both, returned to them.

73 (4) Neglect or refusal of any person mentioned in this
74 section to make the report required herein, or to do or
75 perform any act on his or her part to be done or performed
76 in connection with the operation of this section, shall con-
77 stitute a misdemeanor, and such person shall, upon con-
78 viction thereof, be punished by a fine of not less than
79 twenty-five nor more than two hundred dollars, or by
80 imprisonment in the county jail for a period of not ex-
81 ceeding sixty days, or both, in the discretion of the court.
82 Such neglect shall constitute misfeasance in office and
83 subject such person to removal from office. Any person
84 who wilfully removes, destroys, or mutilates any of the
85 records of the department of public safety, shall be guilty
86 of a misdemeanor, and such person shall, upon convic-
87 tion thereof, be punished by a fine not exceeding one hun-
88 dred dollars, or by imprisonment in the county jail for a

89 period of not exceeding six months, or by both, in the dis-
90 cretion of the court.

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

Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *from* _____ Passage.

Howard Myers
Clerk of the Senate

A Blankenship
Clerk of the House of Delegates

Howard W. Hanson
President of the Senate

H. Gabon White
Speaker House of Delegates

The within *approved* this the *18*
day of *March*, 1965.

Hullett C. Smith
Governor

