WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 162

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

PASSED March 12, 1965

In Effect Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-18-65
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-
Enr. S. B. No. 162]

...tion bureau, for the purpose of receiving and filing finger-
prints, photographs and other records pertaining to the
investigation of crime and the apprehension of criminals,
as hereinafter provided. The superintendent shall appoint
or designate a regularly enlisted member of the depart-
ment as officer in charge of the criminal identification
bureau and such officer shall be responsible to the super-
intendent for the affairs of the bureau. Members of the
department assigned to the criminal identification bureau
shall classify and file fingerprints, compare the finger-
prints of persons arrested with those on file and notify
the arresting officer if it is found by comparison of finger-
prints that any person has a previous criminal record, or
is a fugitive from justice. They shall also cooperate with
other members of the department of public safety, and
all state, county and city law enforcement officials through-
out the state in connection with the identification and
apprehension of criminals. Such members shall cooperate
with identification bureaus of other states and of the
United States to develop and carry on a complete inter-
state, national and international system of criminal identi-
They may furnish copies of the fingerprints of persons arrested in this state to the identification bureau of the United States government and to other states for the purpose of ascertaining if such persons have been previously arrested or convicted of crime.

(1) Persons in charge of any penal or correctional institution in this state shall take, or cause to be taken, the fingerprints and description of all persons lawfully committed thereto or confined therein and furnish the same in duplicate to the criminal identification bureau, department of public safety at Charleston. Such fingerprints shall be taken on forms approved by the superintendent of the department of public safety. All such officials as herein named may, when possible to do so, furnish photographs to the criminal identification bureau of such persons so fingerprinted.

(2) Members of the department of public safety, and all other state law enforcement officials, sheriffs, deputy sheriffs, constables, and each and every peace officer in this state, shall take or cause to be taken the fingerprints and description of all persons arrested
or detained by them, charged with any crime or offense in this state, in which the penalty provided therefor is confinement in any penal or correctional institution, or of any person who they have reason to believe is a fugitive from justice or an habitual criminal, and furnish the same in duplicate to the criminal identification bureau, department of public safety, Charleston, on forms approved by the superintendent of said department of public safety. All such officials as herein named may, when possible to do so, furnish to the criminal identification bureau, photographs of such person so fingerprinted. The arresting officer shall submit to the criminal identification bureau, in duplicate, a report of final disposition concerning any case held for court, or in any case in which the disposition thereof has not been previously furnished to said bureau (on the fingerprint record of the person arrested). Such report of final disposition shall be made on forms furnished or approved by the superintendent of the department of public safety.

(3) Any person who has been fingerprinted or photographed in accordance with the provisions of this section,
who is acquitted of the charges upon which he or she was
arrested, and who has no previous criminal record, may,
upon the presentation of satisfactory proof to the super-
intendent of the department of public safety, have such
fingerprints or photographs, or both, returned to them.

(4) Neglect or refusal of any person mentioned in this
section to make the report required herein, or to do or
perform any act on his or her part to be done or performed
in connection with the operation of this section, shall con-
stitute a misdemeanor, and such person shall, upon con-
viction thereof, be punished by a fine of not less than
twenty-five nor more than two hundred dollars, or by
imprisonment in the county jail for a period of not ex-
ceeding sixty days, or both, in the discretion of the court.

Such neglect shall constitute misfeasance in office and
subject such person to removal from office. Any person
who wilfully removes, destroys, or mutilates any of the
records of the department of public safety, shall be guilty
of a misdemeanor, and such person shall, upon convic-
tion thereof, be punished by a fine not exceeding one hun-
dred dollars, or by imprisonment in the county jail for a
period of not exceeding six months, or by both, in the discretion of the court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman House Committee

Originated in the Senate.

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 18th day of March, 1965.

Governor