

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 973

(By Mr. Seibert)



PASSED March 4, 1969

In Effect Ninety days from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-12-69

#973

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House Bill No. 973

(By MR. SEIBERT)

[Passed March 4, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact sections four, five, six, eight, seventeen and eighteen, article three, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to industrial home for girls.

Be it enacted by the Legislature of West Virginia:

That sections four, five, six, eight, seventeen and eighteen, article three, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. INDUSTRIAL HOME FOR GIRLS.

§28-3-4. Medical examination in commitment proceedings; health certificate; venereal diseases of girls; pregnancy.

1 Before committing a girl to the industrial home, the

2 court committing her shall cause her to be examined
3 by a reputable physician authorized to practice medicine
4 in this state, in order to ascertain whether such girl is
5 sound in mind, and whether she is an imbecile or an
6 idiot, or is pregnant, or afflicted with epilepsy, syphilis,
7 gonorrhoea, or any other infectious disease, and as to
8 any other particulars that may be prescribed in the rules
9 and regulations of the state commissioner of public insti-
10 tutions. Such examination shall be made in private, but
11 there shall be present during the examination a woman
12 of good character and of mature years, to be named by
13 the judge. The physician making such examination shall
14 make out a statement, under oath, respecting the particu-
15 lars named in the form prescribed by the state com-
16 missioner of public institutions, which certificate of the
17 physician shall accompany the commitment. If it shall
18 appear from such examination or otherwise that the
19 girl is of unsound mind, or is imbecilic, or idiotic, or
20 epileptic, or has any infectious disease, or, being over
21 sixteen years of age, is or has been an inmate of a
22 house of ill-fame, or an assignation house, she shall not

23 be committed to said home, except as hereinafter pro-
24 vided; and the superintendent of the home shall not
25 receive any girl into such home unless the commitment
26 is accompanied by a certificate of health, signed by a
27 reputable physician, showing that she is not of unsound
28 mind, and is not an imbecile or idiot, and is not pregnant,
29 nor afflicted with epilepsy, syphilis, gonorrhoea, or any
30 other infectious disease, nor one, who, being over sixteen
31 years of age, is or has been an inmate of a house of
32 ill-fame or an assignation house. If, upon such exami-
33 nation, it shall appear that the girl is suffering with a
34 venereal disease in any stage, the judge committing such
35 girl shall make an order committing her to the industrial
36 home, and shall make an additional order directing that
37 she first be transferred to the Fairmont emergency hos-
38 pital, or the Huntington state hospital, or to the Welch
39 emergency hospital, for observation, treatment and de-
40 tention pending such treatment until cured of such
41 venereal disease or rendered completely noninfectious
42 therefrom, after which time she shall be transferred to
43 the industrial home at Salem, there to be kept as pro-

44 vided by law: *Provided, however,* That any such girl
45 who is feeble-minded shall be sent to Huntington state
46 hospital, and not to Fairmont emergency hospital nor
47 to Welch emergency hospital: *And provided further,*
48 That any feeble-minded girl who may be so sent to
49 Huntington state hospital shall not afterwards be trans-
50 ferred to the West Virginia industrial home for girls.
51 It shall be the duty of the superintendents of the hospitals
52 at Fairmont, Huntington and Welch to receive into said
53 hospitals all girls who may be committed thereto, as
54 provided herein, and to detain, care for, and treat such
55 girls until cured or rendered completely noninfectious,
56 and as soon thereafter as convenient to transfer them
57 to the industrial home at Salem, except as hereinbefore
58 provided. The state commissioner of public institutions
59 shall provide such suitable buildings, wards and equip-
60 ment at said hospitals as may be necessary to carry out
61 the provisions of this section, including the expense of
62 transferring the girls to Salem.

63 It shall be the duty of the judge, upon committing a
64 girl who is infected with a venereal disease to any of

65 said hospitals, as provided herein, to notify the director
66 of the bureau of venereal diseases of West Virginia of
67 the fact, giving the name, age and address of the girl
68 and the disease from which she is suffering. It shall
69 be the duty of the superintendent of the hospital re-
70 ceiving such girl to notify the director when any girl
71 is received and when she is transferred to the industrial
72 home, as provided herein.

§28-3-5. Compensation of physician and matron in commitment proceeding.

1 In a proceeding for the commitment of a girl to the
2 industrial home for girls, or to Fairmont emergency
3 hospital, Huntington state hospital or Welch emergency
4 hospital, the compensation of the physician making the
5 examination, and of the woman or matron present at
6 such examination, shall be fixed by the court and taxed
7 and paid as the other costs of the case are taxed and paid:
8 *Provided*, That the compensation of the physician shall
9 not exceed three dollars, and the compensation of the
10 matron shall not exceed one dollar, for each examination.

§28-3-6. Custody and conveyance of girls committed to institutions; expenses.

1 Whenever a girl is committed to the industrial home,

2 to Fairmont emergency hospital, Huntington state hos-
3 pital or Welch emergency hospital, by any of the courts
4 hereinbefore named, it shall be the duty of the clerk of
5 the court before whom the trial was held to prepare the
6 commitment papers in the case and forward the same
7 by mail without delay to the superintendent of the in-
8 dustrial home, or to the superintendents in charge of the
9 Fairmont emergency hospital, Huntington state hospital
10 or Welch emergency hospital, as the case may appear to
11 demand. On receipt of such commitment papers, the
12 superintendent of the home, if the commitment is found
13 by her to conform to the provisions of this article, and
14 there is room in said home, shall promptly so advise the
15 authority making the commitment, who shall at once
16 send the girl so committed to the home, under escort of
17 a discreet woman of mature age. Such escort shall be
18 designated by the authority by whom the commitment was
19 made, and her compensation, which shall be fixed by the
20 same authority and shall not exceed three dollars per
21 day of twenty-four hours, and her expenses, and the
22 girl's necessary traveling expenses, fully itemized and

23 sworn to by the escort, shall be paid out of the treasury
24 of the county from which the commitment was made, by
25 the county court thereof. No girl committed to said in-
26 dustrial home shall be lodged in any jail or lockup; but
27 the authority committing her shall designate an officer
28 or other proper person, preferably a woman, in whose
29 custody she will be kept until she is delivered to the per-
30 son duly authorized to conduct her to said home. The
31 expense of keeping such girl shall be paid like any other
32 expense of the hearing or trial.

§28-3-8. Transfer of certain inmates to other institutions.

1 The state commissioner of public institutions shall have
2 authority to transfer any girl who is an inmate of the
3 industrial home, who is insane, or an imbecile, or an
4 idiot, to any state institution charged with the care and
5 treatment of such persons; to transfer any girl in such
6 home who is blind or deaf, or whose sight or hearing is
7 so impaired as to make a transfer desirable, to the schools
8 for the deaf and blind; to transfer to Fairmont emergency
9 hospital, Huntington state hospital or Welch emergency
10 hospital, any girl infected with syphilis or gonorrhoea.

§28-3-17. Payment by counties of cost of detention of girls at industrial home—Preparation of inmate lists for billing purposes; application of county funds in state treasury.

1 The superintendent of the industrial home, the super-
2 intendants of Fairmont emergency hospital, Huntington
3 state hospital and Welch emergency hospital, shall, be-
4 fore the tenth day of January of each year, prepare and
5 certify to the auditor and the state commissioner of pub-
6 lic institutions each a list by counties of all such girls as
7 are mentioned in the preceding section, who were kept
8 in the home during the preceding year or any part of it,
9 showing as to each girl what part of the year she was
10 so kept in the home. On receiving such list the auditor
11 shall charge to each county fifty dollars on account of
12 each girl from such county who was kept in such home
13 during the preceding year, and a proportionate amount
14 on account of each girl kept in the home for any part of
15 such year less than the whole. Any money in the treasury
16 of the state to the credit of any such county, from what-
17 ever source arising, and not appropriated to pay any
18 other debt of the county to the state, shall be applied,
19 so far as necessary, to the payment of the sums so

20 charged. If any sum in the treasury due the county shall
21 not be sufficient to pay the whole amount so charged
22 against it, such sum shall be applied as a credit on the
23 amount charged, and the balance shall remain a charge
24 against the county.

§28-3-18. Same—Determination of payments due; levy; compelling payment.

1 Within ten days after receiving such list the auditor
2 shall certify to the county court of such county a list of
3 the girls from the county in such home, or Fairmont
4 emergency hospital, Huntington state hospital or Welch
5 emergency hospital, stating the length of the term dur-
6 ing the year each girl was in such home, as shown by
7 the list certified by the superintendent, the amount due
8 from the county on her account, and the total amount
9 due on account of all. He shall credit on such statement
10 whatever amount has been applied as a payment thereon
11 from any funds of the county in the treasury. Such
12 statement shall be a receipt to the county for any amount
13 so credited, and shall be a bill for any amount still ap-
14 pearing to be due from the county. Unless the bill shall
15 have been paid by the application of funds of the county

16 in the state treasury, the county court shall, at its next
17 levy term, provide for the payment of the same, or such
18 part as may not have been paid, and cause the amount
19 to be paid into the state treasury. If the amount so due
20 from any county be not paid in a reasonable time after
21 such levy term, the auditor may in the name of the state,
22 apply to the circuit court of the county for a mandamus
23 to require the county court to provide for and pay the
24 same, or he may proceed in the name of the state by any
25 other appropriate remedy to recover the same.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Thomas Keyes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Lyndon B. Johnson
President of the Senate

Sam Rayburn
Speaker House of Delegates

The within approved this the 12th
day of March, 1968, 1969.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/8/69

Time 4:50 pm

RECEIVED

MAR 17 10 23 AM '69

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA