

# 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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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 gonorrhea, 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, gonorrhea, 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 gonorrhea.



**§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     intendents 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 Tomp  
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 J. Rayburn  
Speaker House of Delegates

The within approved this the 12<sup>th</sup>  
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