

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 527

(By Mr. STEPTOE)



PASSED FEBRUARY 12, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLED, IV
SECRETARY OF STATE
THIS DATE 2-19-71

527

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House Bill No. 527
(By MR. STEPTOE)

[Passed February 12, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article four, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the duties of the prosecuting attorney on election days.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 4. PROSECUTING ATTORNEY, REWARDS AND
LEGAL ADVICE.**

**§7-4-1. Duties of prosecuting attorney; further duties upon
request of attorney general.**

- 1 It shall be the duty of the prosecuting attorney to
- 2 attend to the criminal business of the state in the county

3 in which he is elected and qualified, and when he has
4 information of the violation of any penal law committed
5 within such county, he shall institute and prosecute all
6 necessary and proper proceedings against the offender,
7 and may in such case issue or cause to be issued a sum-
8 mons for any witness he may deem material. Every
9 public officer shall give him information of the violation
10 of any penal law committed within his county. It shall
11 also be the duty of the prosecuting attorney to attend
12 to civil suits in such county in which the state, or any
13 department, commission or board thereof, is interested,
14 and to advise, attend to, bring, prosecute or defend, as
15 the case may be, all matters, actions, suits and proceed-
16 ings in which such county or any county board of educa-
17 tion is interested.

18 It shall be the duty of the prosecuting attorney to keep
19 his office open in the charge of a responsible person during
20 the hours polls are open on general, primary and special
21 county-wide election days, and the prosecuting attorney,
22 or his assistant, if any, shall be available for the purpose
23 of advising election officials. It shall be the further duty of

24 the prosecuting attorney, when requested by the attorney
25 general, to perform or to assist the attorney general in
26 performing, in the county in which he is elected, any legal
27 duties required to be performed by the attorney general,
28 and which are not inconsistent with the duties of the
29 prosecuting attorney as the legal representative of such
30 county. It shall also be the duty of the prosecuting attor-
31 ney, when requested by the attorney general, to perform
32 or to assist the attorney general in performing, any legal
33 duties required to be performed by the attorney general,
34 in any county other than that in which such prosecuting
35 attorney is elected, and for the performance of any such
36 duties in any county other than that in which such prose-
37 cuting attorney is elected he shall be paid his actual ex-
38 penses.

39 Upon the request of the attorney general the prose-
40 cuting attorney shall make a written report of the state
41 and condition of the several causes in which the state
42 is a party, pending in his county, and upon any matters
43 referred to him by the attorney general as provided by
44 law.

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

Russell G. Biace
Chairman Senate Committee

Phyllis Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Harold M. Mace
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

E. B. Spont
President of the Senate

Gov. F. B. Boiesby
Speaker House of Delegates

The within *approved* this the *17th*
day of *February*, 1971.

Wm. A. Starnes, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/16/11

Time 2:20 p.m.

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA
FEB 19 9 30 AM '11

RECEIVED