WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 186

(By Mr. Jones)

PASSED April 13, 1973

In Effect 90 days from Passage
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Senate Bill No. 186
(By Mr. Jones)

[Passed April 13, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article one, chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections one and two, article three of said chapter twenty-six; and to amend and reenact sections one, two and three, article three, chapter twenty-eight of said code, all relating to deleting racial references in sections of said code relating to the West Virginia children’s home, the West Virginia home for aged and infirm men and women and the West Virginia industrial home for girls, all of which institutions are under the control of the state commissioner of public institutions.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections one and two, article three of said chapter twenty-six be amended and reenacted; and that sections one, two and three, article three, chapter twenty-eight of said code be amended and reenacted, all to read as follows:

CHAPTER 26. STATE BENEVOLENT INSTITUTIONS.

ARTICLE 1. CHILDREN'S HOME.

§26-1-2. Admission of inmates.

1 The state commissioner of public institutions shall admit to the care and custody of said home children surrendered or committed to the home in any manner authorized by law, and such children shall be kept, maintained and edu-
5 cated therein until they can be placed by legal authority in suitable homes elsewhere.

ARTICLE 3. HOME FOR AGED AND INFIRM MEN AND WOMEN.

§26-3-1. Establishment; name; management; superintendent.

1 The West Virginia home for aged and infirm men and women is hereby established at Sweet Springs, Monroe county, West Virginia, to be known as Andrew S. Rowan Memorial Home, and shall be managed, directed and controlled as provided in article one, chapter twenty-five of this code. The chief executive officer thereof shall be a superintendent who must be a citizen of the state and a person of good executive ability, and who shall be appointed by the governor by and with the advice and consent of the Senate.

§26-3-2. Admission of inmates.

1 Any man or woman shall be eligible for admission to said home who:

2 (1) Has attained the age of sixty years;

3 (2) Has resided in the state for at least one year immediately preceding the application;

4 (3) Has not made an assignment or transfer of property for the purpose of qualifying for public assistance;

5 (4) Is in need of continuing institutional care because of his physical or mental condition;

6 (5) Is actually in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health; and

7 (6) Has no children, father, brothers, sisters or mother of sufficient financial ability to support such person in the manner required by the department of welfare.

No person shall be admitted to said home except upon the recommendation of the department of welfare, or unless such person be qualified to admission to said home under the provisions of sections three and four of this article.

CHAPTER 28. STATE CORRECTIONAL AND PENAL INSTITUTIONS.
ARTICLE 3. INDUSTRIAL HOME FOR GIRLS.

§28-3-1. Continuation; management; certain officers and employees to be women.

The West Virginia industrial home for girls, heretofore established and located at Industrial, in Harrison county, shall be continued, and shall be exclusively charged with the care, training and reformation of girls committed to its custody. It shall be managed, directed and controlled as prescribed in article one, chapter twenty-five of this code. All officers, agents and servants for the internal management of said home shall be women.

§28-3-2. Commitment to industrial home.

Any girl, a legal resident of the state between the ages of twelve and eighteen years, may be committed to the West Virginia industrial home for girls:

(a) By any juvenile or domestic relations court of competent jurisdiction for any of the causes and in the manner prescribed in article two, chapter forty-nine of this code for dealing with delinquent children;

(b) By any court of record of competent jurisdiction of this state or of the United States for the districts of West Virginia, in the manner provided in section three of this article.

But no girl shall be committed to such home as an inmate thereof who is of unsound mind, or imbecile, or idiotic, or epileptic: Provided, That any girl who has been adjudged delinquent and placed on probation by a court of competent jurisdiction prior to her eighteenth birthday may be committed to the West Virginia industrial home for girls for any act or omission amounting to a violation of any condition of her probation which said act or omission occurred prior to the expiration of the period of her probation and prior to the attainment of her twenty-first birthday.

§28-3-3. Commitment of certain girls convicted in state or federal court of crime punishable by imprisonment.

Whenever any girl, who is a resident of this state and under the age of eighteen years, shall have been convicted in any court of record of this state of a felony, or of a misdemeanor punishable by imprisonment, the judge of
such court, in his discretion, instead of sentencing such girl
to be confined in the penitentiary or the county jail, may
order her to be removed to and confined in the West Virginia
industrial home for girls, there to remain until she shall have
attained the age of twenty-one years, unless sooner dis-
charged or paroled by the state commissioner of public
institutions. Any girl, who is a resident of this state and
under the age of eighteen years, convicted in any of the courts
of the United States for the districts of West Virginia of any
offense punishable by imprisonment, may also be received
into such home upon such regulations and terms as to her
maintenance and support as may be agreed upon by the state
commissioner of public institutions and the proper authori-
ties of the United States.
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.

To take effect ninety days 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 27th
day of April, 1973.

Governor
PRESENTED TO THE
GOVERNOR

Date 4/27/73
Time 10:39 a.m.

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May 3 9:34 AM 73
OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA