

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 186

(By Mr. Jones)

PASSED April 13, 1973

In Effect 90 Days from Passage



FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 5/3/73

186

**ENROLLED**  
**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~~<sup>thirty-one</sup>, 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.

*to have*

*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  
2 to the care and custody of said home children surrendered  
3 or committed to the home in any manner authorized by  
4 law, and such children shall be kept, maintained and edu-

5 cated therein until they can be placed by legal authority  
6 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  
2 women is hereby established at Sweet Springs, Monroe  
3 county, West Virginia, to be known as Andrew S. Rowan  
4 Memorial Home, and shall be managed, directed and con-  
5 trolled as provided in article one, chapter twenty-five of  
6 this code. The chief executive officer thereof shall be a  
7 superintendent who must be a citizen of the state and a  
8 person of good executive ability, and who shall be appointed  
9 by the governor by and with the advice and consent of the  
10 Senate.

**§26-3-2. Admission of inmates.**

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

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

4 (2) Has resided in the state for at least one year immedia-  
5 tely preceding the application;

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

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

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

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

16 No person shall be admitted to said home except upon the  
17 recommendation of the department of welfare, or unless  
18 such person be qualified to admission to said home under  
19 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.**

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

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

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

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

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

12 But no girl shall be committed to such home as an inmate  
 13 thereof who is of unsound mind, or imbecilic, or idiotic, or  
 14 epileptic: *Provided*, That any girl who has been adjudged  
 15 delinquent and placed on probation by a court of competent  
 16 jurisdiction prior to her eighteenth birthday may be com-  
 17 mitted to the West Virginia industrial home for girls for any  
 18 act or omission amounting to a violation of any condition  
 19 of her probation which said act or omission occurred prior  
 20 to the expiration of the period of her probation and prior to  
 21 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.**

1 Whenever any girl, who is a resident of this state  
 2 and under the age of eighteen years, shall have been con-  
 3 victed in any court of record of this state of a felony, or of  
 4 a misdemeanor punishable by imprisonment, the judge of

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

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

H. Darrel Darby  
Chairman Senate Committee

Clarence L. Christian, Jr.  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard W. Carson  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Brotherton, Jr.  
President of the Senate

Lewis J. M. Manna  
Speaker House of Delegates

The within approved this the 27th  
day of April, 1973.

Arch A. Moore, Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/27/73

Time 10:39 a.m.

RECEIVED

MAY 3 9 34 AM '73

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA