

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

— ● —

ENROLLED

Committee Substitute for
HOUSE BILL No. 739

(By *Mr. S. Milhron and Mr. Seibert*)

— ● —

PASSED March 5, 1975

In Effect ninty days from Passage

101

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 739

(By MRS. WITHROW AND MR. SEIBERT)

[Passed March 5, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article four, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to centers for housing youthful male law offenders; relating to the assignment of such offenders to such a center; providing minimum and maximum terms of confinement in such a center; relating to the return of any such youth from such a center to the court and disposition of such offender thereafter; relating to satisfactory completion of center training program and subsequent probation; relating to revocation of probation and consequences thereof; and relating to placement or transfer in, to or from such a center.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. CENTERS FOR HOUSING YOUTHFUL MALE LAW OFFENDERS.

§25-4-6. Assignment of offenders to center; period of center confinement; return to court; sentence or probation; revocation of probation; transfer of youths by commissioner of public institutions.

1 The judge of any court with original criminal jurisdiction

2 may suspend the imposition of sentence of any male youth con-
3 victed of or pleading guilty to a criminal offense, other than
4 an offense punishable by life imprisonment, who has attained
5 his sixteenth birthday but has not reached his twenty-first
6 birthday at the time of the commission of the crime, and com-
7 mit him to the custody of the West Virginia commissioner of
8 public institutions to be assigned to a center. The per-
9 iod of confinement in the center shall be for a period
10 of six months, or longer if it is deemed advisable by the center
11 superintendent, but in any event such period of confinement
12 shall not exceed two years. If, in the opinion of the superin-
13 tendent, such male offender proves to be an unfit person to
14 remain in such a center, he shall be returned to the court
15 which committed him to be dealt with further according to
16 law. In such event, the court may place him on probation or
17 sentence him for the crime for which he has been convicted.
18 In his discretion, the judge may allow the defendant credit on
19 his sentence for time he has spent in the center.

20 When, in the opinion of the superintendent, any boy has
21 satisfactorily completed the center training program, such male
22 offender shall be returned to the jurisdiction of the court which
23 originally committed him. He shall be eligible for probation for
24 the offense with which he is charged, and the judge of the
25 court shall immediately place him on probation. In the event
26 his probation is subsequently revoked by the judge, he shall
27 be given the sentence he would have originally received had
28 he not been committed to the center and subsequently placed
29 on probation. The court shall, however, give the defendant
30 credit on his sentence for the time he spent in the center.

31 Any male youth between the ages of ten and eighteen com-
32 mitted by the judge of any court of competent jurisdiction for
33 any of the causes, and in the manner prescribed in article
34 five, chapter forty-nine of this code, may, if such youth is or
35 has attained the age of sixteen, be placed in a center or
36 transferred from the industrial school or like facility to a center
37 and back to such facility by the commissioner of public in-
38 stitutions, if he deems it proper for the youth's detention and
39 rehabilitation.

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

James L. Davis
Chairman Senate Committee

Dorothy R. Trushaw
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Hillon, Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

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

Lewis F. McManus
Speaker House of Delegates

The within *approved* this the *13th*
day of *March*, 1975.

Richard A. Chason, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/8/75

Time 4:30 p.m.

MAR 14 11 45 AM '75
OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA