

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977



ENROLLED

HOUSE BILL No. 875

(By Mr. Tompkins)



PASSED February 25, 1977

In Effect ninety days from Passage

ENROLLED

H. B. 875

(By MR. TOMPKINS)

[Passed February 25, 1977; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to criminal procedure; probation and parole; and providing for suspension of sentence and release on probation of persons eligible for probation before the convicted person has been imprisoned for sixty days.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 12. PROBATION AND PAROLE.

§62-12-3. Suspension of sentence and release on probation.

1 Whenever, upon the conviction of any person eligible
2 for probation under the preceding section, it shall appear
3 to the satisfaction of the court that the character of the
4 offender and the circumstances of the case indicate that he
5 is not likely again to commit crime and that the public good
6 does not require that he be fined or imprisoned, the court,
7 upon application or of its own motion, may suspend the
8 imposition or execution of sentence and release the offender
9 on probation for such period and upon such conditions as are

10 provided by this article; but in no case, except as provided
11 by the following section, shall the court have authority to
12 suspend the execution of a sentence after the convicted
13 person has been imprisoned for sixty days under the sentence.

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

James L. Davis
Chairman Senate Committee

Lawrence C. Thurston
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. D. Sullange
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. B. Guthrie
President of the Senate

Donald L. Stopp
Speaker House of Delegates

The within is approved this the 4
day of March, 1977.

John D. Rhymer
Governor

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