WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

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ENROLLED

HOUSE BILL No. 875

(By Mr. Tomblins)

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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 for probation under the preceding section, it shall appear to the satisfaction of the court that the character of the offender and the circumstances of the case indicate that he is not likely again to commit crime and that the public good does not require that he be fined or imprisoned, the court, upon application or of its own motion, may suspend the imposition or execution of sentence and release the offender on probation for such period and upon such conditions as are
provided by this article; but in no case, except as provided by the following section, shall the court have authority to suspend the execution of a sentence after the convicted 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

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. D. Rollins
Clerk of the Senate

Clerk of the House of Delegates

W. Frank Bough
President of the Senate

Donald L. Blythe
Speaker House of Delegates

The within _______ approved______ this the 4th
day of _________, 1977.

Governor

C-641