

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-26-80

Time 11:15 am

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980

— ● —

## ENROLLED

*Committee Substitute*

*for*  
HOUSE BILL No. 1079

(By Mr. Stephens *and Mr. Tucker*)

— ● —

Passed March 7 1980

In Effect ninety days from Passage



No. 1079

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1079**

(By MR. STEPHENS and MR. TUCKER)

---

(Originating in the House Committee on the Judiciary)

---

[Passed March 7, 1980; in effect ninety days from passage.]

---

AN ACT to amend article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirteen-a, relating to authorizing the court, on its own motion or upon motion of counsel, to commit an adjudicated juvenile to the custody of the commissioner of corrections for diagnostic study and medical examination, not to exceed thirty days, as part of the disposition stage of the juvenile proceedings; report and recommendations of the commissioner.

*Be it enacted by the Legislature of West Virginia:*

That article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated thirteen-a, to read as follows:

**ARTICLE 5. JUVENILE PROCEEDINGS.**

**§49-5-13a. Examination, diagnosis and classification; period of custody.**

- 1 After adjudication as part of the dispositional proceeding,
- 2 the court, upon its own motion, or upon request of counsel,

3 may order the child to be delivered into the custody of the  
4 commissioner of corrections who shall cause such child to be  
5 forthwith transferred to a juvenile diagnostic center for a  
6 period not to exceed thirty days. During such period, such  
7 child shall undergo examination, diagnosis, classification, and  
8 a complete medical examination and shall at all times be kept  
9 in an area wholly segregated from the general juvenile inmate  
10 population in the custody of the commissioner of corrections.  
11 Not later than thirty days after commitment pursuant to this  
12 section such juvenile shall be remanded and delivered to the  
13 custody of the juvenile probation officer of the county wherein  
14 the child was adjudicated delinquent or to the custody of such  
15 other person as the court shall direct by its order. Within ten  
16 days following the termination of such examination, diagnosis  
17 and classification, the commissioner of corrections shall make  
18 or cause to be made a report to the court containing the  
19 results, findings, conclusions and recommendations of the  
20 commissioner with respect to such child.

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

James L. Davis  
Chairman Senate Committee

Clarence C. Chubbard  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd C. Willes  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. Brothman  
President of the Senate

Clayton M. Lee, Jr.  
Speaker House of Delegates

The within in approved this the 26  
day of March, 1980.

John D. Rhyne  
Governor

RECEIVED

MAR 14 5 56 PM '80

OFFICE OF THE GOVERNOR

EDUCATION STATE

10 MAR 26 PM 5:56

RECEIVED