Date 3-18-81
Time 5:00 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

ENROLLED

SENATE BILL NO. 43

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In Effect runety days from Passage

ENROLLED Senate Bill No. 43

(By Mr. Steptoe)

[Passed March 4, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article two, chapter fifty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the admission into evidence of handwriting for comparison with disputed writing; and eliminating the requirement that handwriting exemplars be taken under the supervision of a circuit judge.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. WRITINGS AND STATEMENTS OF PRIVATE PERSONS.

§57-2-1. Writing in handwriting of alleged writer may be used for comparison.

- 1 In any civil or criminal action or proceeding, any writing
- 2 proved to the satisfaction of the judge of a court of record in
- 3 an in-camera hearing to be in the handwriting of the person
- 4 who is alleged to have written it, whether or not made in the
- 5 ordinary course of business, may, if the court further finds
- 6 that its probative value outweighs its prejudicial effect, be
- 7 admitted into evidence for the purpose of making a
- 8 comparison with a disputed writing on the issue of whether
- 9 or not the disputed writing is genuine. The authenticity of
- 10 each writing shall be finally determined by the trier of fact.

The Joint Committee on Enrolled Bills hereby certifies that

the foregoing bill is correctly enrolled
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Chairman Senate Committee
a with -
Jony E. Whitlow
Chairman House Committee
Originated in the Senate.
To take effect ninety days from passage.
Sold C. Wills
Clerk of the Senate
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Clerk of the House of Delegates
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President of the Senate
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OFFICE OF THE GOVERNOR

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