

No. 28
Veto

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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

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ENROLLED

SENATE BILL NO. 28

(By Mr. Boettner)

—•—

PASSED March 10, 1984

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 28
(By MR. BOETTNER)

[Passed March 10, 1984; in effect ninety days from passage.]

AN ACT to amend article eleven, chapter sixty-one, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-five, relating to the expungement of misdemeanor convictions from the official record after five years; conditions.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-25. Expungement of criminal record.

1 Whenever any person who has previously been con-
2 victed of a misdemeanor under the provisions of this
3 chapter makes proper application to the circuit court
4 of the county in which the conviction was had, the court
5 may order that such misdemeanor conviction be expunged
6 from the official record, if the court finds that more than
7 five years have passed since such conviction, that the
8 applicant has fulfilled all of the terms and conditions im-
9 posed by such conviction, that such conviction is not a
10 basis for an increased or different penalty upon a second

11 or subsequent conviction for the same or another offense
12 and that applicant has not been found guilty of or pleaded
13 guilty to any other misdemeanor or felony within the
14 intervening five-year period. The effect of such expunge-
15 ment shall be to restore such person in contemplation of
16 law to the status he occupied prior to such conviction. No
17 person as to whom such expungement has been effected
18 shall be thereafter held to be guilty of perjury, false
19 swearing, or otherwise giving a false statement by reason
20 of his failure to disclose or acknowledge such conviction,
21 or the arrest and trial for same, in response to any inquiry
22 made of him for any purpose.

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

James L. Davis
Chairman Senate Committee

Ronald Anello
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Wick
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Warren R. McAnis
President of the Senate

Wm. M. See, Jr.
Speaker House of Delegates

The within is disapproved this the 30
day of March, 1984.

John I. Pappas
Governor

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OFFICE
SECY. OF STATE