

No: 137

RECEIVED  
1987 FEB 17 11 2 56  
OFFICE OF THE CLERK  
SENATE BUILDING

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1987**



**ENROLLED**

SENATE BILL NO. 137

(By Senators Tucker & Brettner)



PASSED February 10 1987

In Effect from Passage



# ENROLLED

## Senate Bill No. 137

(BY SENATORS TUCKER AND BOETTNER)

---

[Passed February 10, 1987; in effect from passage.]

---

AN ACT to amend and reenact section two, article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to counties; county property; providing that county commissions may choose to extend the hours of county facilities to include evening hours or Saturdays.

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

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

### **ARTICLE 3. COUNTY PROPERTY.**

#### **§7-3-2. Courthouse, jail and offices.**

1 The county commission of every county, at the expense of  
2 the county, shall provide at the county seat thereof a  
3 suitable courthouse and jail, together with suitable offices  
4 for the judge of the circuit court and judges of courts of  
5 limited jurisdiction, clerks of circuit courts, courts of  
6 limited jurisdiction and of the county commission, assessor,  
7 sheriff, prosecuting attorney, county superintendent of  
8 schools, and surveyor, and all other offices as are or may be  
9 required by law: *Provided*, That the courthouse, including

10 any annex or other facility housing the courts and offices  
11 herein set out, (excepting all facilities that are on a twenty-  
12 four-hour basis), shall be open to the public Monday  
13 through Friday during the hours prescribed by the county  
14 commission by an order duly recorded in the order book of  
15 the commission. The county commission in such order may,  
16 in its discretion, provide that the courthouse, including any  
17 annex or other facility housing the courts and offices herein  
18 set out be open on Saturday and prescribe the hours during  
19 which it shall be open. In no case may the county  
20 commission provide that the courthouse, including any  
21 annex or other facility housing the courts and offices herein  
22 set out, be open for business on Sundays or national or state  
23 holidays: *Provided, however,* That the county commission  
24 of every county having a population in excess of two  
25 hundred thousand may provide at the county seat or  
26 elsewhere in the county, as the county commission shall  
27 determine, a suitable jail or jails: *Provided further,* That the  
28 county commission of any county, regardless of population,  
29 may, as provided in chapter eight, article twenty-three of  
30 the code of West Virginia, contract with the county  
31 commissions of one or more other counties within this state  
32 for the erection, construction, equipment, leasing and  
33 renting of a regional correctional center for either adult or  
34 youth offenders, at a location mutually agreeable to the  
35 contracting parties and not necessarily at the county seat,  
36 which will serve each county entering into the contract. The  
37 county commission shall keep the courthouse, jail and other  
38 offices in constant and adequate repair, and supplied with  
39 the necessary heat, light, furniture, record books, and  
40 janitor service, and, except as to the office for the judge of  
41 the circuit court, with the necessary stationery and postage,  
42 and other things as shall be necessary; but all of the public  
43 records, books and papers belonging or appertaining to the  
44 county surveyor's office shall be delivered to the clerk of the  
45 county commission and retained by him in his official  
46 possession and under his control and shall constitute a part  
47 of the public records, books and papers of his office. All  
48 courthouses, jails and offices hereafter erected shall be  
49 built of stone and brick, or stone or brick, or other equally  
50 fireproof materials, and the offices shall be fireproof or be  
51 furnished with fireproof vaults or safes. The jails shall be  
52 well secured, and sufficient for the convenient

53 accommodation of those who may be confined therein, and  
54 so that the convicts may be in apartments separate from  
55 each other, and from the other prisoners; every apartment  
56 shall be so constructed that it can be kept comfortable. The  
57 county commission may also provide other necessary  
58 offices and buildings, and may, by purchase or otherwise,  
59 acquire as much land as may be requisite or desirable for  
60 county purposes, and may suitably enclose, improve and  
61 embellish the lands so acquired.

62 Subject to the conditions hereinabove set forth with  
63 respect to the site of the courthouse, jail, and other offices,  
64 the commission may, from time to time, as may seem to it  
65 proper, provide, at the expense of the county, a new or other  
66 building or buildings to be used for the courthouse and jail,  
67 or for either, together with suitable offices, as aforesaid,  
68 and for that purpose may acquire, by purchase or otherwise,  
69 and hold any lands, or lands and buildings, which may be  
70 necessary, and may enclose, improve and embellish the  
71 same. When any new or other building or buildings shall be  
72 ready for occupancy, the county commission shall make an  
73 order declaring that, on a day to be therein named, the new  
74 or other building or buildings shall become the courthouse,  
75 or jail, or both the courthouse and jail of the county, and  
76 shall cause copies of the order to be posted at the front door  
77 of the new as well as of the old courthouse, at least twenty  
78 days before the day named in the order; and on and after the  
79 day named the new or other building or buildings shall  
80 become, respectively, the courthouse, or jail, or both the  
81 courthouse and jail of the county in all respects and for all  
82 purposes. After the change shall have been made the county  
83 commission may sell or otherwise dispose of, as may seem to  
84 it proper, the building or buildings previously used as a  
85 courthouse and jail, or either, and the land on which they  
86 are, or either is, situated, and of the interest of the county  
87 therein.

*[Handwritten signatures and text, including "J. W. ...", "J. W. ...", and "J. W. ..."]*

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

*James O. Dennis*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Paul C. Nichols*  
.....  
Clerk of the Senate

*Donald G. Kopp*  
.....  
Clerk of the House of Delegates

*James Tomblin*  
.....  
President of the Senate

*W. R. ...*  
.....  
Speaker House of Delegates

The within *approved* this the *16th*  
day of *February*, 1987.

*Anna. Shance J.*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 2/13/87

Time 9:35 a.m.