

SB # 515

RECEIVED
1994 MAR 30 PM 3:00
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 515

(By Senator Wooten)



PASSED March 11, 1994

In Effect 90 days from Passage

E N R O L L E D
Senate Bill No. 515

(BY SENATORS WOOTON, MINARD, YODER, HOLLIDAY,
DITTMAR, CLAYPOLE AND ROSS)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend article eleven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five, relating to creating an alternative prejudgment disposition procedure for traffic offenses in municipal courts; conditions of alternative disposition; preemptive provisions; and offenses for which alternative disposition is not available.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 11. POWERS AND DUTIES WITH RESPECT TO ORDINANCES AND ORDINANCE PROCEDURES.

§8-11-5. Prejudgment alternative disposition of certain traffic offenses.

1 (a) Municipal courts are hereby authorized to establish
2 a prejudgment alternative disposition procedure for
3 traffic offenses over which the court has jurisdiction.

4 (b) Under a prejudgment disposition procedure
5 authorized by subsection (a) of this section, if a person
6 is found guilty of a traffic offense the municipal court
7 may, with the person's consent, withhold for a reason-
8 able time not to exceed ninety days, the entry of a
9 judgment of conviction so that the person may attend a
10 driver safety education course designated by the
11 municipal court. If the person attends said course, the
12 municipal court, if satisfied with the person's participa-
13 tion in the course, shall, without entering a judgment of
14 conviction, dismiss the proceeding against the person.

15 (c) It shall be a condition of any prejudgment
16 alternative disposition authorized by the provisions of
17 this section that the person pay any fine assessed by the
18 court and pay all fees and costs required to be paid by
19 any provision of this code where a person is convicted of
20 a criminal traffic offense. No municipal court shall
21 utilize any prejudgment alternative disposition
22 procedure unless it collects such fees and costs as are
23 required by any provision of this code and transmits the
24 moneys collected as required by law. No municipal court
25 shall utilize any prejudgment alternative disposition
26 procedure unless it conforms with the requirements of
27 this section.

28 (d) The procedure authorized by the provisions of this
29 section shall not be available to any person arrested for
30 driving under the influence of alcohol or drugs or any
31 other offense for which a mandatory period of confine-
32 ment in jail is required.

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

[Handwritten signature]
.....
Chairman Senate Committee

[Handwritten signature]
.....
Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten signature]
.....
Clerk of the Senate

[Handwritten signature]
.....
Clerk of the House of Delegates

[Handwritten signature]
.....
President of the Senate

[Handwritten signature]
.....
Speaker House of Delegates

The within *is approved* this the *30th* day of *March*, 1994.

[Handwritten signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/94

Time 11:39 am