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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



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WEST VIRGINIA LEGISLATURE

# ENROLLED

*Com. Sub. For*  
**HOUSE BILL No. 4735**

(By Delegate *Trump and Staton*)



Passed *March 9,* 1996

In Effect *Ninty Days From* Passage

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4735**

(BY DELEGATES TRUMP AND STATON)

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[Passed March 9, 1996; in effect ninety days from passage.]

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LEGISLATIVE DEPARTMENT  
MARTINSBURG, WV

AN ACT to amend and reenact section eleven, article four, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact article five, chapter forty-nine of said code, by adding thereto a new section, designated section thirteen-d, all relating to juvenile offenders; escape; permitting or aiding the escape of an inmate of a center for housing youthful offenders; creating pilot project for certain status offenders as an alternative to disposition; and criminal penalties.

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

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

**CHAPTER 25.**

**ARTICLE 4. CENTERS FOR HOUSING YOUTHFUL MALE LAW OFFENDERS.**

**§25-4-11. Escape; aiding escape.**

1 (a) Any inmate of a center who shall escape from said  
2 center or the custody of an officer or employee of such  
3 center shall be guilty of a felony, and, upon conviction  
4 thereof be committed to the custody of the commissioner  
5 of corrections for not more than five years. A term of  
6 incarceration imposed pursuant to the provisions of this  
7 section shall be imposed as a consecutive sentence and not  
8 served concurrently with any sentence or period of con-  
9 finement previously imposed.

10 (b) Any person who willfully permits or aids any in-  
11 mate of such center to escape therefrom or conceals him  
12 with the intent of enabling him to elude pursuit is guilty of  
13 a felony, and, upon conviction thereof, be committed to  
14 the custody of the commissioner of corrections for not  
15 more than five years.

## CHAPTER 49.

### ARTICLE 5. JUVENILE PROCEEDINGS.

#### §49-5-13d. Teen court program.

1 (a) Any child who has committed an act of delin-  
2 quency which would not be a criminal offense if commit-  
3 ted by an adult, and who is otherwise subject to the provi-  
4 sions of this article shall be given the option of choosing  
5 disposition in a teen court program as an alternative to a  
6 disposition provided by section thirteen of this article.  
7 The decision to enter the teen court program as an alterna-  
8 tive disposition shall be made jointly by the circuit court,  
9 juvenile probation officer, and parent, guardian or custo-  
10 dian of the child. The circuit court shall find, prior to  
11 admission into the program, that the offender is a suitable  
12 candidate for the program. Any child who does not suc-  
13 cessfully cooperate in and complete the teen court pro-  
14 gram and any disposition imposed therein shall be re-  
15 turned to the circuit court for disposition provided by  
16 section thirteen of this article.

17 (b) The teen court program shall be administered by  
18 the Governor's Committee on Crime and Delinquency.

19 (c) The following provisions shall apply to all teen  
20 court programs:

21 (1) The judge for each teen court proceeding shall be  
22 an acting or retired circuit court judge or an active mem-  
23 ber of the West Virginia State Bar, who shall serve on a  
24 voluntary basis. Bar members shall be offered continuing  
25 legal education credit for such service.

26 (2) Any child who selects the teen court program as an  
27 alternative disposition shall agree to serve thereafter on at  
28 least two occasions as a teen court juror.

29 (3) Volunteer students from grades ten through twelve  
30 of high schools within the county shall be selected to serve  
31 as defense attorney, prosecuting attorney, court clerk and  
32 bailiff for each proceeding.

33 (4) Disposition in a teen court proceeding shall consist  
34 of requiring the child to perform sixteen to forty hours of  
35 community service, the duration and type of which shall  
36 be determined by the teen court jury, from a standard list  
37 of available community service programs provided by the  
38 county juvenile probation system. The performance of the  
39 child shall be monitored by the county juvenile probation  
40 system. The child shall also perform two sessions of teen  
41 court jury service, and, if deemed appropriate by the  
42 judge, the child shall participate in an education program.

43 (d) The rules for administration, procedure, and ad-  
44 mission of evidence shall be determined by the chief cir-  
45 cuit judge. A copy of such rules shall be provided to  
46 every teen court participant.

47 (e) Teen court programs are pilot projects to be uti-  
48 lized from the effective date of this section until the first  
49 day of July, one thousand nine hundred ninety-eight, in  
50 the circuit courts in three of the counties of this state. The  
51 supreme court of appeals is to determine the counties in  
52 which the pilot projects will be utilized based upon its  
53 determination of those counties which have recently expe-  
54 rienced the most significant increases in the commission  
55 of criminal and status offenses by children.

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

*Mark Hoover*  
Chairman Senate Committee

*Randy Seaint*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell Rothman*  
Clerk of the Senate

*Bryan D. Gray*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*Robert C. Byrd*  
Speaker of the House of Delegates

The within is approved this the 15<sup>th</sup>  
day of April, 1996.

*Garston Caperton*  
Governor

PRESENTED TO THE:  
GOVERNOR  
Date 3/27/96  
Time 2:57pm