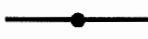


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# WEST VIRGINIA LEGISLATURE

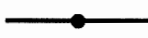
REGULAR SESSION, 1998



## ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 158

(By Senators *Tomblin, Mr. President, and Beckalen*, By Request of the Executive)



PASSED March 14, 1998

In Effect 90 days from Passage

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

## ENROLLED

COMMITTEE SUBSTITUTE  
FOR

### Senate Bill No. 158

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND BUCKALEW,  
BY REQUEST OF THE EXECUTIVE)

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[Passed March 14, 1998; in effect ninety days from passage.]

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AN ACT to amend article eight-f, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto three new sections, designated sections one-a, two-a and two-b; to amend and reenact sections two, three, four, five, seven, eight, nine and ten of said article; and to amend and reenact section two, article twelve, chapter sixty-two of said code, all relating to the registration of sex offenders; legislative intent; expansion of persons required to be registered; notification requirements for sex offenders who leave prison or move in or out of the state; changing the definition of mental abnormality; establishment of a judicial process to determine whether a

person is a sexually violent person; establishment of sex offender registration advisory board; requiring registration within ten days of change in address; expansion of the duration certain persons must register; notification distribution; creation of disclosure exemptions; criminal penalties for failing to provide information and registering; parole officers providing information to the state police; and establishment of a verification process.

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

That article eight-f, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto three new sections, designated sections one-a, two-a and two-b; that sections two, three, four, five, seven, eight, nine and ten of said article be amended and reenacted; and that section two, article twelve, chapter sixty-two of said code be amended and reenacted, all to read as follows:

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 8F. SEX OFFENDER REGISTRATION ACT.**

#### **§61-8F-1a. Intent.**

1 It is the intent of this article to provide a law-enforce-  
2 ment tool to protect the public from child molesters and  
3 violent sexual offenders by registration of persons who  
4 have demonstrated by their criminal conduct that they  
5 may constitute a continuing threat to the public safety.

#### **§61-8F-2. Registration.**

1 (a) Any person who has been convicted of a violation of  
2 the provisions of article eight-b, eight-c, or sections five  
3 and six, article eight-d of this chapter, or of section  
4 fourteen, article two, or of sections twelve and thirteen,  
5 article eight of this chapter, or of a felony violation  
6 involving a minor of section six or seven, article eight,  
7 chapter sixty-one of this code, or of a similar provision in  
8 another state, federal or military jurisdiction shall be

9 required to be registered as set forth in this article. Any  
10 person who has been convicted of an attempt to commit  
11 any of the offenses set forth in this section shall also be  
12 required to register as set forth in this article.

13 (b) On the date that any person convicted of any of the  
14 crimes listed herein, including those persons continuing  
15 under some post conviction supervisory status for crimes  
16 committed prior to the date of this law, is released, is  
17 granted probation, is granted a suspended sentence, is  
18 released on parole, probation, home detention, work  
19 release or any other release from incarceration, the  
20 commissioner of corrections, regional jail administrator or  
21 city or sheriff operating a jail which releases such person  
22 and any parole or probation officer who releases such  
23 person or supervises such person following the release  
24 shall obtain all information required by this subsection  
25 prior to the release of the person, inform the person that  
26 he or she must register within three days of release with  
27 the state police detachment in the county where he or she  
28 shall reside, and shall send written notice of the release of  
29 the person to the state police within three days of receiv-  
30 ing the information. The notice shall include:

- 31 (1) The full name of the person;
- 32 (2) The address where the person shall reside;
- 33 (3) The person's social security number;
- 34 (4) A recent photograph of the person;
- 35 (5) A brief description of the crime for which the person  
36 was convicted;
- 37 (6) Fingerprints; and
- 38 (7) For any person determined to be a sexually violent  
39 predator, the notice shall also include:
  - 40 (i) Identifying factors, including physical characteristics;
  - 41 (ii) History of the offense; and

42 (iii) Documentation of any treatment received for the  
43 mental abnormality or personality disorder.

44 Persons who have been convicted for any of the offenses  
45 contained in subsection (a) of this section and released  
46 from incarceration or correctional supervision shall be  
47 required to register as provided herein if that person is  
48 arrested on any new criminal charge within a period of ten  
49 years from release from correctional supervision of the  
50 original sexual offense. The arresting agency shall inform  
51 the person of his or her duty to register and shall send  
52 written notice of the person's arrest and of this notifica-  
53 tion to the state police.

54 (c) At the time the person is convicted of the crimes set  
55 forth in subsection (a) of this section, the person shall sign  
56 in open court, a statement acknowledging that he or she  
57 understands the requirements imposed by this article. The  
58 court shall inform the person so convicted of the require-  
59 ments to register imposed by this article and shall further  
60 satisfy itself by interrogation of the defendant or his or  
61 her counsel that the defendant has received notice of the  
62 provisions of this article and that the defendant under-  
63 stands such provisions. Such statement, when signed and  
64 witnessed shall constitute prima facie evidence that the  
65 person had knowledge of the requirements of this article.

66 (d) When a person required to register under this article  
67 is released following incarceration, the commissioner of  
68 corrections, the regional jail supervisor or the city or  
69 sheriff or any other person supervising the operation of  
70 the place of confinement shall, within three days, inform  
71 the state police of such release and provide such further  
72 information as is required by this article.

73 (e) The state police shall maintain a central registry of  
74 all persons who register under this article and shall release  
75 information only as provided in this article. The informa-  
76 tion required to be made public by the state police by  
77 subdivision (2), subsection (b), section five of this article

78 shall be accessible through the internet.

79 (f) For the purposes of this article, sexually violent  
80 offenses shall be defined as any criminal offenses set forth  
81 in article eight-b of this chapter which include forcible  
82 compulsion, bodily injury or the use of deadly weapons.

83 (g) The term “sexually violent predator” means a person  
84 who has been convicted of a sexually violent offense and  
85 who suffers from a mental abnormality or personality  
86 disorder that makes the person likely to engage in preda-  
87 tory sexually violent offenses.

88 (h) The term “mental abnormality” means a congenital  
89 or acquired condition of a person that affects the emo-  
90 tional or volitional capacity of the person in a manner that  
91 predisposes that person to the commission of criminal  
92 sexual acts to a degree that makes the person a menace to  
93 the health and safety of other persons.

94 (i) The term “predatory act” means an act directed at a  
95 stranger or at a person with whom a relationship has been  
96 established or promoted for the primary purpose of  
97 victimization.

**§61-8F-2a. Court determination of sexually violent predator.**

1 (a) The circuit court that has sentenced a person for  
2 having committed a sexually violent offense shall make a  
3 determination whether:

4 (1) A person is a sexually violent predator; or

5 (2) A person is no longer a sexually violent predator.

6 (b) A hearing to make a determination as provided for in  
7 subsection (a) of this section is a summary proceeding,  
8 triable before the court without a jury.

9 (c) A proceeding seeking to establish that a person is a  
10 sexually violent predator is initiated by the filing of a  
11 written information by the prosecuting attorney. The  
12 information shall describe the record of the judgment of

13 the court on the person's conviction of a sexually violent  
14 offense, and shall set forth a short and plain statement of  
15 the prosecutor's claim that the person suffers from a  
16 mental abnormality or personality disorder that makes the  
17 person likely to engage in predatory sexually violent  
18 offenses.

19 (d) A proceeding seeking to establish that a person is no  
20 longer a sexually violent predator is initiated by the filing  
21 of a petition by the person who has been determined to be  
22 a sexually violent predator.

23 (e) Prior to making a determination pursuant to the  
24 provisions of this section, the sentencing court may order  
25 a psychiatric or other clinical examination and, after such  
26 examination, may further order a period of observation in  
27 an appropriate facility within this state designated by the  
28 court after consultation with the director of the division  
29 of health.

30 (f) Prior to making a determination pursuant to the  
31 provisions of this section, the sentencing court shall  
32 request and receive a report by the board established  
33 pursuant to section two-b of this article. The report shall  
34 set forth the findings and recommendation of the board on  
35 the issue of whether the person is a sexually violent  
36 predator.

37 (g) At a hearing to determine whether a person is a  
38 sexually violent predator, the person shall be present and  
39 shall have the right to be represented by counsel and  
40 introduce evidence and cross-examine witnesses. The  
41 offender shall have access to a summary of the medical  
42 evidence to be presented by the state. The offender shall  
43 have the right to an examination by an independent  
44 expert of his choice and testimony from such expert as a  
45 medical witness on his behalf. At the termination of such  
46 hearing the court shall make a finding of fact upon a  
47 preponderance of the evidence as to whether the person is  
48 a sexually violent predator.

49 (h) If a person is determined by the circuit court to be a  
 50 sexually violent predator, the clerk of the court shall  
 51 forward a copy of the order to the state police in the  
 52 manner prescribed by the superintendent of state police in  
 53 procedural rules promulgated in accordance with the  
 54 provisions of article three, chapter twenty-nine-a of this  
 55 code.

ok  
KCL

61-8F-2b.

~~§23-4-2b.~~ **Creation of sex offender registration advisory board.**

1 (a) There is hereby created within the department of  
 2 military affairs and public safety a sex offender registra-  
 3 tion advisory board consisting of a minimum of five  
 4 members appointed by the secretary of the department of  
 5 military affairs and public safety. At least two of the  
 6 members shall be experts in the field of the behavior and  
 7 treatment of sexual offenders, and each shall be a physi-  
 8 cian, psychologist or social worker in the employ of this  
 9 state appointed by the secretary in consultation with the  
 10 director of the division of health. The remaining members  
 11 shall be victims rights advocates and representatives of  
 12 law-enforcement agencies. Members of the board shall be  
 13 reimbursed their reasonable expenses pursuant to the  
 14 rules promulgated by the department of administration  
 15 for the reimbursement of expenses of state officials and  
 16 employees, and shall receive no other compensation for  
 17 their services. The board shall utilize the staff of the  
 18 division or office within the department of military affairs  
 19 and public safety designated by the secretary thereof in  
 20 carrying out its duties and responsibilities as set forth in  
 21 this article.

22 (b) The board shall assist the circuit courts of this state  
 23 in determining whether persons convicted of sexually  
 24 violent offenses are sexually violent predators.

**§61-8F-3. Change of address.**

1 When any person required to register under this article  
 2 changes his or her residence or address, he or she shall,



3 within ten days, inform the West Virginia state police of  
4 his or her new address in the manner prescribed by the  
5 superintendent of state police in procedural rules promul-  
6 gated in accordance with the provisions of article three,  
7 chapter twenty-nine-a of this code.

**§61-8F-4. Duration.**

1 (a) A person required to register under terms of this  
2 article shall continue to comply with this section, except  
3 during ensuing periods of incarceration, until:

4 (1) Ten years have elapsed since the person was released  
5 from prison or jail, or from the time the person was placed  
6 upon probation, parole or supervised release; or

7 (2) For the life of that person if that person: (A) Has one  
8 or more prior convictions for any qualifying offense  
9 described in this article; or (B) has been convicted of a  
10 sexually violent offense; or (C) has been determined to be  
11 a sexually violent predator as defined above.

12 (b) A person whose conviction is overturned for the  
13 offense which required them to register under this article  
14 shall, upon petition to the court, have their name removed  
15 from the registry.

**§61-8F-5. Distribution and disclosure of information; commu-  
nity information programs by prosecuting  
attorney and state police; petition to circuit  
court.**

1 (a) Within five working days after receiving any notifi-  
2 cation as described in this article, the state police shall  
3 distribute a copy of the notification statement to:

4 (1) The supervisor of each county and municipal law-  
5 enforcement office in the city and county where the person  
6 will reside;

7 (2) The county superintendent of schools where the  
8 person will reside;

9 (3) The child protective services office charged with  
10 investigating allegations of child abuse or neglect in the  
11 county where the person will reside;

12 (4) All community organizations or religious organiza-  
13 tions which regularly provide services to youths in the  
14 county where the person will reside;

15 (5) Individuals and organizations which provide day  
16 care services for youths or day care, residential or respite  
17 care, or other supportive services for incapacitated, infirm  
18 or mentally incapacitated or infirm persons in the county  
19 where the registered person will reside; and

20 (6) The federal bureau of investigation (FBI).

21 (b) Information concerning persons whose names are  
22 contained on the list of the sexual offender registry shall  
23 be disseminated only in the following manner, and not be  
24 subject to the requirements of the West Virginia freedom  
25 of information act of this code:

26 (1) When a person has been determined to be a sexually  
27 violent predator under terms of section two-a of this  
28 article, the state police shall notify the prosecuting  
29 attorney of the county in which the person intends to  
30 reside. The prosecuting attorney shall in cooperation with  
31 the state police conduct a community notification pro-  
32 gram which shall include publication of the offender's  
33 name and place of residence, and information concerning  
34 the legal rights and obligations of both the offender and  
35 the community. The prosecuting attorney and state police  
36 may conduct a community notification program in the  
37 county of residence of any person who is required to  
38 register for life under the terms of subdivision (2), section  
39 four of this article. Community notification may be  
40 repeated when determined appropriate by the prosecuting  
41 attorney;

42 (2) The state police shall maintain and make available to  
43 the public at least quarterly the list of all persons who are

44 required to register for life according to the terms of  
45 subdivision (2), section four of this article. The method of  
46 publication and access to this list shall be determined by  
47 the superintendent; and

48 (3) A resident of a county may petition the circuit court  
49 for an order requiring the state police to release informa-  
50 tion about persons residing in that county who are re-  
51 quired to register under section two of this article. The  
52 court shall determine whether information contained on  
53 the list and relevant to public safety outweighs the  
54 importance of confidentiality, and if the court orders  
55 information to be released, it may further order limita-  
56 tions upon secondary dissemination by the resident  
57 seeking the information.

58 In no event shall information concerning the identity of  
59 a victim of an offense requiring registration be released.

60 (c) The state police may furnish information and docu-  
61 mentation required in connection with the registration to  
62 authorized law-enforcement and governmental agencies  
63 of the United States and its territories, of foreign coun-  
64 tries duly authorized to receive the same, of other states  
65 within the United States and of the state of West Virginia  
66 upon proper request stating that the records will be used  
67 solely for law-enforcement related purposes. The state  
68 police may disclose information collected under this  
69 article to federal, state and local governmental agencies  
70 responsible for conducting pre-employment checks.

71 (d) An elected public official, public employee or public  
72 agency is immune from civil liability for damages arising  
73 out of any action relating to the provisions of this section  
74 except when the official, employee or agency acted with  
75 gross negligence or in bad faith.

**§61-8F-7. Information shall be released when person moves out  
of state.**

1 A person who is required to register pursuant to the

2 provisions of this article, who intends to move to another  
3 state or country shall at least ten days prior to such move  
4 notify the state police of his or her intent to move and of  
5 the location to which he or she intends to move, or if that  
6 person is incarcerated he or she shall notify correctional  
7 officials of his or her intent to reside in some other state or  
8 country upon his or her release, and of the location to  
9 which he or she intends to move. Upon such notification,  
10 the state police shall notify law-enforcement officials of  
11 the jurisdiction where the person indicates he or she  
12 intends to reside of the information provided by the  
13 person under the provisions of this article.

**§61-8F-8. Failure to register; penalty.**

1 (a) Except as outlined below, any person required to  
2 register under this article who knowingly provides false  
3 identity or address information or who refuses to provide  
4 such accurate information when so required by terms of  
5 this article, or who knowingly fails to register or know-  
6 ingly fails to provide a change of address as required by  
7 this article, is guilty of a misdemeanor and, upon convic-  
8 tion thereof, shall be fined not less than two hundred fifty  
9 dollars nor more than ten thousand dollars, or imprisoned  
10 in the county jail not more than one year, or both fined  
11 and imprisoned: *Provided*, That each time such person  
12 changes residence and fails to register, such failure shall  
13 constitute a separate offense.

14 (b) Any person required to register under this article  
15 who is convicted of a second or subsequent offense of  
16 failing to register or provide a change of address as  
17 required, or any person who has one or more prior convic-  
18 tions for qualifying sexual offenses under this article and  
19 who fails to register or has any conviction for a sexually  
20 violent offense and who fails to register is guilty of a  
21 felony and, upon conviction thereof, shall be imprisoned  
22 in a state penal facility for not less than one year nor more  
23 than five years.

24 (c) Any person required to register as a sexual predator  
25 as defined by section two of this article, who fails to  
26 register or provide a change of address as required by this  
27 article is guilty of a felony and, upon conviction thereof,  
28 shall, for a first offense, be imprisoned in a state correc-  
29 tional facility not less than two years nor more than ten  
30 years, and for a second or subsequent offense, be impris-  
31 oned in a state correctional facility not less than five years  
32 nor more than twenty years.

33 (d) In addition to any other penalty specified for failure  
34 to register under this article, any person under the super-  
35 vision of a probation officer, parole officer or any other  
36 sanction short of confinement in jail or prison, who  
37 knowingly refuses to register, or who knowingly gives  
38 false information concerning his or her residence, or who  
39 knowingly fails to provide a change of address as required  
40 by this article, shall be subject to immediate revocation of  
41 probation or parole and returned to confinement for the  
42 remainder of any suspended or unserved portion of his or  
43 her original sentence.

**§61-8F-9. Registration of out-of-state offenders.**

1 (a) When any probation or parole officer accepts super-  
2 vision of and has legal authority over any person required  
3 to register under this article from another state under the  
4 terms and conditions of the uniform act for out-of-state  
5 parolee supervision established under article six, chapter  
6 twenty-eight of this code, such officer shall give the  
7 person written notice of the registration requirements of  
8 this section and obtain a signed statement from the person  
9 required to register acknowledging the receipt of the  
10 notice. The officer shall obtain and submit to the state  
11 police, the identical information required of persons  
12 convicted in this state under subsection (b), section two of  
13 this article.

14 (b) Any person:

- 15 (1) Who resides in another state;
- 16 (2) Who is employed, carries on a vocation or is a student  
17 in this state; and
- 18 (3) Who is required by the state in which he or she  
19 resides to register in that state under provisions of the law  
20 of that state that are similar to the provisions of this  
21 article, shall register in this state and otherwise comply  
22 with the provisions of this article.

**§61-8F-10. Address verification.**

1 The state police shall verify addresses of those persons  
2 registered as sexually violent predators every ninety days  
3 and all other registered persons once a year. The state  
4 police may require registrants to periodically submit to  
5 new fingerprints and photographs as part of the verifica-  
6 tion process. The method of verification shall be in  
7 accordance with internal management rules and regula-  
8 tions pertaining thereto promulgated by the superinten-  
9 dent under authority of section twenty-five, article two,  
10 chapter fifteen of this code.

**CHAPTER 62. CRIMINAL PROCEDURE.**

**ARTICLE 12. PROBATION AND PAROLE.**

**§62-12-2. Eligibility for probation.**

- 1 (a) All persons who are found guilty of or plead guilty to  
2 any felony, the maximum penalty for which is less than  
3 life imprisonment, and all persons who are found guilty of  
4 or plead guilty to any misdemeanor, shall be eligible for  
5 probation, notwithstanding the provisions of sections  
6 eighteen and nineteen, article eleven, chapter sixty-one of  
7 this code.
- 8 (b) The provisions of subsection (a) of this section to the  
9 contrary notwithstanding, any person who commits or  
10 attempts to commit a felony with the use, presentment or  
11 brandishing of a firearm shall be ineligible for probation.  
12 Nothing in this section shall apply to an accessory before

13 the fact or a principal in the second degree who has been  
14 convicted as if he or she were a principal in the first  
15 degree if, in the commission of or in the attempted com-  
16 mission of the felony, only the principal in the first degree  
17 used, presented or brandished a firearm.

18 (c) (1) The existence of any fact which would make any  
19 person ineligible for probation under subsection (b) of this  
20 section because of the commission or attempted commis-  
21 sion of a felony with the use, presentment or brandishing  
22 of a firearm shall not be applicable unless such fact is  
23 clearly stated and included in the indictment or present-  
24 ment by which such person is charged and is either: (i)  
25 Found by the court upon a plea of guilty or nolo conten-  
26 dere; or (ii) found by the jury, if the matter be tried before  
27 a jury, upon submitting to such jury a special interroga-  
28 tory for such purpose; or (iii) found by the court, if the  
29 matter be tried by the court, without a jury.

30 (2) The amendments to this subsection adopted in the  
31 year one thousand nine hundred eighty-one:

32 (A) Shall apply to all applicable offenses occurring on or  
33 after the first day of August of that year;

34 (B) Shall apply with respect to the contents of any  
35 indictment or presentment returned on or after the first  
36 day of August of that year irrespective of when the offense  
37 occurred;

38 (C) Shall apply with respect to the submission of a  
39 special interrogatory to the jury and the finding to be  
40 made thereon in any case submitted to such jury on or  
41 after the first day of August of that year or to the requisite  
42 findings of the court upon a plea of guilty or in any case  
43 tried without a jury: *Provided*, That the state shall give  
44 notice in writing of its intent to seek such finding by the  
45 jury or court, as the case may be, which notice shall state  
46 with particularity the grounds upon which such finding  
47 shall be sought as fully as such grounds are otherwise

48 required to be stated in an indictment, unless the grounds  
49 therefor are alleged in the indictment or presentment upon  
50 which the matter is being tried;

51 (D) Shall not apply with respect to cases not affected by  
52 such amendment and in such cases the prior provisions of  
53 this section shall apply and be construed without refer-  
54 ence to such amendment; and

55 Insofar as such amendments relate to mandatory  
56 sentences without probation, all such matters requiring  
57 such sentence shall be proved beyond a reasonable doubt  
58 in all cases tried by the jury or the court.

59 (d) For the purpose of this section, the term "firearm"  
60 shall mean any instrument which will, or is designed to, or  
61 may readily be converted to, expel a projectile by the  
62 action of an explosive, gunpowder, or any other similar  
63 means.

64 (e) In the case of any person who has been found guilty  
65 of, or pleaded guilty to, a felony or misdemeanor under the  
66 provisions of section twelve or twenty-four, article eight,  
67 chapter sixty-one of this code, or under the provisions of  
68 article eight-c or eight-b of said chapter, such person shall  
69 only be eligible for probation after undergoing a physical,  
70 mental and psychiatric study and diagnosis which shall  
71 include an on-going treatment plan requiring active  
72 participation in sexual abuse counseling at a mental  
73 health facility or through some other approved program:  
74 *Provided*, That nothing disclosed by the person during  
75 such study or diagnosis shall be made available to any  
76 law-enforcement agency, or other party without that  
77 person's consent, or admissible in any court of this state,  
78 unless such information disclosed shall indicate the  
79 intention or plans of the probationer to do harm to any  
80 person, animal, institution or property, in which case such  
81 information may be released only to such persons as might  
82 be necessary for protection of the said person, animal,  
83 institution or property.



84 (f) Any person who has been convicted of a violation of  
85 the provisions of article eight-b, eight-c or sections five  
86 and six, article eight-d, chapter sixty-one of this code, or  
87 of section fourteen, article two, or of sections twelve and  
88 thirteen, article eight, chapter sixty-one of this code, or of  
89 a felony violation involving a minor of section six or  
90 seven, article eight, chapter sixty-one of this code, or of a  
91 similar provision in another jurisdiction shall be required  
92 to be registered upon release on probation. Any person  
93 who has been convicted of an attempt to commit any of  
94 the offenses set forth in this subsection shall also be  
95 registered upon release on probation.

96 (g) The probation officer shall within three days of  
97 release of the offender, send written notice to the state  
98 police of the release of the offender. The notice shall  
99 include:

- 100 (1) The full name of the person;
- 101 (2) The address where the person shall reside;
- 102 (3) The person's social security number;
- 103 (4) A recent photograph of the person;
- 104 (5) A brief description of the crime for which the person  
105 was convicted;
- 106 (6) Fingerprints; and
- 107 (7) For any person determined to be a sexually violent  
108 predator as defined in section two, article eight-f, chapter  
109 sixty-one of this code, the notice shall also include:
  - 110 (i) Identifying factors, including physical characteristics;
  - 111 (ii) History of the offense; and
  - 112 (iii) Documentation of any treatment received for the  
113 mental abnormality or personality disorder.

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

*Paul Schonover*  
.....  
Chairman Senate Committee

*Nick Santasi*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Carroll Baker*  
.....  
Clerk of the Senate

*Suzanne D. Bay*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomble*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *approved* this the *1<sup>st</sup>*  
day of *April*, 1998

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/31/98

Time

10:40 am