WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1998

ENROLLED

SENATE BILL NO. 750

(By Senator PREZIOSO, ET AL.)

PASSED March 12, 1998
In Effect NINETY DAYS FROM Passage
ENROLLED

Senate Bill No. 750

(BY SENATORS PREZIOSO, BAILEY, DITTMAR AND BUCKALEW)

[Passed March 12, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section eighty-seven, article one-e, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to creating a state offense of absence without leave; and penalty.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1E. CODE OF MILITARY JUSTICE.

PART X. PUNITIVE SECTIONS.

§15-1E-87. Absence without leave.
(a) Any person subject to this article who, without authority:

(1) Fails to go to his or her appointed place of duty at the time prescribed;

(2) Goes from that place; or

(3) Absents himself or herself or remains absent from his or her unit, organization or place of duty at which he or she is required to be at the time prescribed; shall be punished as a court-martial may direct.

(b) In addition, the offense committed under subsection (a) of this section, constitutes a misdemeanor triable in the criminal courts of this state. Any person convicted hereunder shall be sentenced to confinement in the county or regional jail as follows: (1) One day for each unit training assembly from which the person was absent without leave; or (2) one day for each day of annual training or other duty from which the person was absent without leave.

These sentences are mandatory and shall not be subject to suspension, probation, reduction or home confinement.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee.

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ________________________ this the __________ day of __________, 1998.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/24/98
Time 3 PM