WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

House Bill No. 4467
(By Delegates Varner and Pino)

Passed March 11, 2000
In Effect Ninety Days from Passage
ENROLLED

H. B. 4467

(By Delegates Varner and Pino)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the filing of recidivist information in the appropriate county.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 8. CRIMES BY AND PROCEEDINGS AGAINST INMATES.

§62-8-4. Procedure in sentencing inmates to further confinement for second and third offenses.

1 When a inmate convicted of an offense and sentenced to confinement therefor in a state correctional facility, is received therein, if he or she was before convicted in the United States of a crime punishable by imprisonment in a state correctional facility, and the record of his or her conviction does not show
that he or she has been sentenced under section eighteen or
nineteen, article eleven, chapter sixty-one of this code, the
warden of a state correctional facility may give information
thereof, to the circuit court of the county in which the facility is
located, whether it be alleged or not in the indictment on which
he or she was convicted that he or she had before been previ-
ously so convicted. If such information is given, the court shall
cause the inmate to be brought before it, and upon an informa-
tion filed, setting forth the several records of conviction, and
alleging the identity of the inmate with the person named in
each, shall require the inmate named to say whether he or she
is the same person or not. If he or she say he or she is not, or
remain silent, his or her plea, or the fact of his or her silence,
shall be entered of record, and a jury shall be impaneled to
inquire whether the inmate is the same person mentioned in the
several records. If the jury find that he or she is not the same
person, he or she shall be remanded to a state correctional
facility; but if they find that he or she is the same person, or if
he or she acknowledge in open court, after being duly cau-
tioned, that he or she is the same person, the court shall
sentence him or her to such further confinement as is prescribed
by article eleven, chapter sixty-one of this code, on a second or
third conviction, as the case may be.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the day of , 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 1/31/60
Time 2:30 pm