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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



# ENROLLED

*COMMITTEE SUBSTITUTE FOR*

SENATE BILL NO. 388

(By Senator PREZIOSO, ET AL )



PASSED MARCH 10, 2000

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK  
OF THE SENATE

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 388

(SENATORS PREZIOSO, OLIVERIO, HUNTER  
AND MINEAR, *original sponsors*)

[Passed March 10, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen-d, article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the teen court program; giving counties the option to institute program; removing requirement that program be administered by the governor's committee on crime, delinquency and correction; eliminating continuing legal education credit for participation in the program; allowing teenagers to act as

jurors in program; and removing the provision that declares these programs to be pilot projects.

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

That section thirteen-d, article five, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. JUVENILE PROCEEDINGS.**

**§49-5-13d. Teen court program.**

1 (a) Notwithstanding any provision of this article to the  
2 contrary, in any county that chooses to institute a teen  
3 court program in accordance with the provisions of this  
4 section, any juvenile who is alleged to have committed a  
5 status offense or an act of delinquency which would be a  
6 misdemeanor if committed by an adult and who is other-  
7 wise subject to the provisions of this article may be given  
8 the option of proceeding in the teen court program as an  
9 alternative to the filing of a formal petition under section  
10 seven of this article or proceeding to a disposition as  
11 provided by section eleven-a or thirteen of this article, as  
12 the case may be. The decision to extend the option to enter  
13 the teen court program as an alternative procedure shall  
14 be made by the circuit court if the court finds that the  
15 offender is a suitable candidate for the program. No  
16 juvenile may enter the teen court program unless he or she  
17 and his or her parent or guardian consent. Any juvenile  
18 who does not successfully cooperate in and complete the  
19 teen court program and any disposition imposed therein  
20 shall be returned to the circuit court for further disposi-  
21 tion as provided by section eleven-a or thirteen of this  
22 article, as the case may be.

23 (b) The following provisions apply to all teen court  
24 programs:

25 (1) The judge for each teen court proceeding shall be an  
26 acting or retired circuit court judge or an active member  
27 of the West Virginia state bar, who serves on a voluntary  
28 basis.

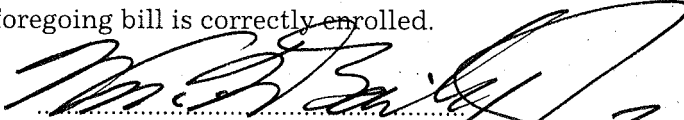
29 (2) Any juvenile who selects the teen court program as an  
30 alternative disposition shall agree to serve thereafter on at  
31 least two occasions as a teen court juror.

32 (3) Volunteer students from grades seven through twelve  
33 of the schools within the county shall be selected to serve  
34 as defense attorney, prosecuting attorney, court clerk,  
35 bailiff and jurors for each proceeding.

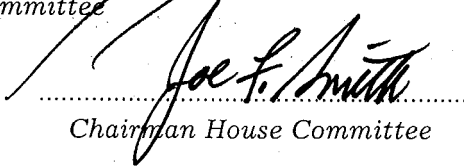
36 (4) Disposition in a teen court proceeding shall consist of  
37 requiring the juvenile to perform sixteen to forty hours of  
38 community service, the duration and type of which shall  
39 be determined by the teen court jury from a standard list  
40 of available community service programs provided by the  
41 county juvenile probation system and a standard list of  
42 alternative consequences that are consistent with the  
43 purposes of this article. The performance of the juvenile  
44 shall be monitored by the county juvenile probation  
45 system. The juvenile shall also perform at least two  
46 sessions of teen court jury service and, if considered  
47 appropriate by the circuit court judge, participate in an  
48 education program. Nothing in this section may be  
49 construed so as to deny availability of the services pro-  
50 vided under section eleven-a of this article to juveniles  
51 who are otherwise eligible therefor.

52 (c) The rules for administration, procedure and admis-  
53 sion of evidence shall be determined by the chief circuit  
54 judge, but in no case may the court require a juvenile to  
55 admit the allegation against him or her as a prerequisite to  
56 participation in the teen court program. A copy of these  
57 rules shall be provided to every teen court participant.

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



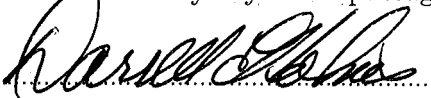
Chairman Senate Committee



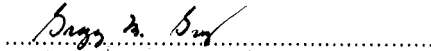
Chairman House Committee

Originating in the Senate.

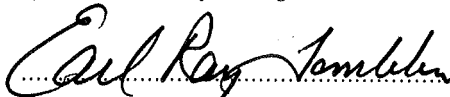
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



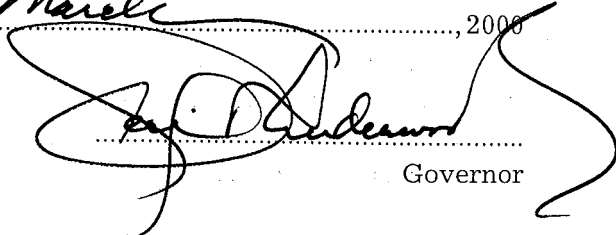
President of the Senate



Speaker House of Delegates

The within *approved* this the *20th*

Day of *March*, 2008



Governor

PRESENTED TO THE

GOVERNOR

Date

3/15/00

Time

3:08 pm