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LEGISLATIVE SERVICES DIVISION

# 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:

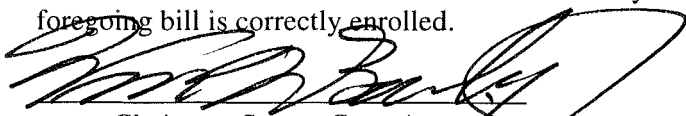
### **ARTICLE 8. CRIMES BY AND PROCEEDINGS AGAINST INMATES.**

#### **§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  
2       confinement therefor in a state correctional facility, is received  
3       therein, if he or she was before convicted in the United States  
4       of a crime punishable by imprisonment in a state correctional  
5       facility, and the record of his or her conviction does not show

6 that he or she has been sentenced under section eighteen or  
7 nineteen, article eleven, chapter sixty-one of this code, the  
8 warden of a state correctional facility may give information  
9 thereof, to the circuit court of the county in which the facility is  
10 located, whether it be alleged or not in the indictment on which  
11 he or she was convicted that he or she had before been previ-  
12 ously so convicted. If such information is given, the court shall  
13 cause the inmate to be brought before it, and upon an informa-  
14 tion filed, setting forth the several records of conviction, and  
15 alleging the identity of the inmate with the person named in  
16 each, shall require the inmate named to say whether he or she  
17 is the same person or not. If he or she say he or she is not, or  
18 remain silent, his or her plea, or the fact of his or her silence,  
19 shall be entered of record, and a jury shall be impaneled to  
20 inquire whether the inmate is the same person mentioned in the  
21 several records. If the jury find that he or she is not the same  
22 person, he or she shall be remanded to a state correctional  
23 facility; but if they find that he or she is the same person, or if  
24 he or she acknowledge in open court, after being duly cau-  
25 tioned, that he or she is the same person, the court shall  
26 sentence him or her to such further confinement as is prescribed  
27 by article eleven, chapter sixty-one of this code, on a second or  
28 third conviction, as the case may be.

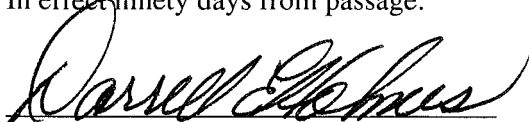
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

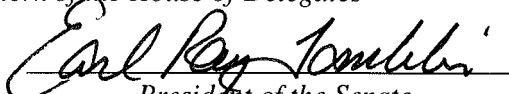
  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

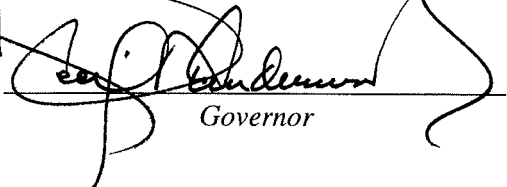
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 5th  
day of April, 2000.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 2/31/00

Time 2:30 pm