

FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4044

(By Delegates Flanigan and Wills)



Passed March 9, 2002

In Effect from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4044

(BY DELEGATES FLANIGAN AND WILLS)

[Passed March 9, 2002; in effect from passage.]

AN ACT to amend and reenact section nine, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to limitation of prosecution; and making statute of limitation for petit larceny one year.

Be it enacted by the Legislature of West Virginia:

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

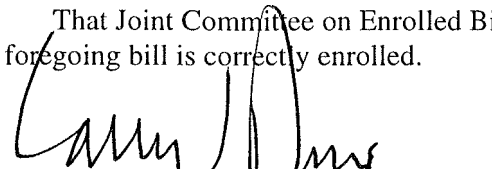
ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

§61-11-9. Limitation of prosecution; lost indictment.

1 A prosecution for committing or procuring another person
2 to commit perjury shall be commenced within three years next
3 after the perjury was committed. A prosecution for a misde-
4 meanor shall be commenced within one year after the offense
5 was committed: *Provided*, That whenever the indictment in any
6 case shall be stolen, lost or destroyed, a new indictment may be

7 found for the same offense mentioned in the former indictment,
8 at the first term of the court after such theft, loss or destruction
9 is discovered, or at the next term thereafter, and as often as any
10 such new indictment is stolen, lost or destroyed, another
11 indictment for the same offense may be found at the first term
12 of the court after such theft, loss or destruction is discovered, or
13 at the next term thereafter; and the court shall, in every case
14 where any such indictment has been stolen, lost or destroyed,
15 enter such fact on its record. Whenever such new indictment is
16 found, the clerk shall add to the entry of the finding thereof the
17 following: "This is the second (or third, etc., as the case may
18 be) indictment found against the said for the same
19 offense"; and the same proceedings shall be had in all respects
20 on any such new indictment as might have been had on the first
21 indictment if it had not been stolen, lost or destroyed. And if the
22 offense mentioned in any such indictment is barred by the
23 statute of limitations, the time between the finding of the first
24 and last of such indictments shall not be computed or taken into
25 consideration in the computation of the time in which any such
26 indictment, after the first, should have been found.

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



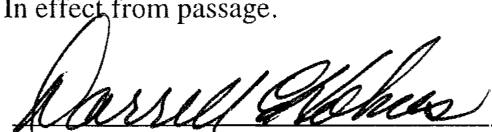
Chairman Senate Committee



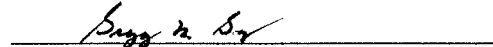
Chairman House Committee

Originating in the House.

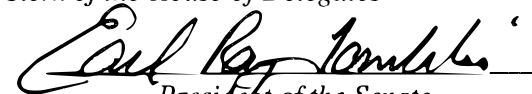
In effect from passage.



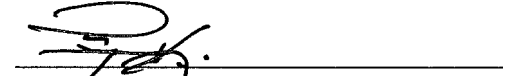
Clerk of the Senate



Clerk of the House of Delegates

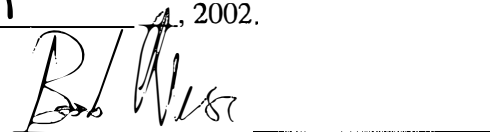


President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April, 2002.



Governor

PRESENTED TO THE

COMMISSIONER

DATE 3/27/02

TIME 10:05 AM