

SB 114

FILED

2006 MAR 14 P 4: 38

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006



ENROLLED

Committee Substitute for

SENATE BILL NO. 114

(By Senator Kessler, et al)



PASSED March 7, 2006

In Effect 90 days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 114

(SENATORS KESSLER, HUNTER AND FOSTER, *original sponsors*)

[Passed March 7, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §49-5-13d of the Code of West Virginia, 1931, as amended, relating to teen court programs; and allowing county commissions and city councils to assess fees of up to five dollars on persons convicted of felonies, misdemeanors or municipal ordinances to fund teen courts.

Be it enacted by the Legislature of West Virginia:

That §49-5-13d of the Code of West Virginia, 1931, 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.

58 (d) Each county that operates, or wishes to operate, a
59 teen court program as provided in this section is hereby
60 authorized to adopt a mandatory fee of up to five dollars
61 to be assessed as provided in this subsection. Municipal
62 courts may assess a fee pursuant to the provisions of this
63 section upon authorization by the city council of said
64 municipality. Assessments collected by the clerk of the
65 court pursuant to this subsection shall be deposited into an
66 account specifically for the operation and administration
67 of a teen court program. The clerk of the court of convic-
68 tion shall collect the fees established in this subsection and
69 shall remit the fees to the teen court program.

70 Any mandatory fee established by a county commission
71 or city council in accordance with the provisions of this
72 subsection shall be paid by the defendant on a judgment of
73 guilty or a plea of nolo contendere for each violation
74 committed in the county or municipality of any felony,
75 misdemeanor or any local ordinance, including traffic
76 violations and moving violations but excluding municipal
77 parking ordinances.

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Enr. Com. Sub. No. 38 B. No. 114] 4

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

SECRETARY OF STATE

Candy White
.....
Chairman Senate Committee

R. B. ...
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harrell ...
.....
Clerk of the Senate

Sup. ...
.....
Clerk of the House of Delegates

Carl Ray ...
.....
President of the Senate

Robert ...
.....
Speaker House of Delegates

The within is approved this the 14th
Day of March, 2006.

Paul ...
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 10 2006

Time 9:25 AM