

FILED

2014 MAR 20 P 5:06

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4003**

(By Delegates Walker, Perry, Paxton,  
Poling, M., and Pethel)



Passed March 4, 2014

In effect ninety days from passage.

HB 4003

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FOR

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## H. B. 4003

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(BY DELEGATES WALKER, PERRY, PAXTON,  
POLING, M., AND PETHTEL)

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[Passed March 4 2014; in effect ninety days from passage.]

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AN ACT to amend and reenact §18-8-2 of the Code of West Virginia, 1931, as amended, relating to jurisdiction to enforce compulsory school attendance; granting jurisdiction in either county when county of residence and school of enrollment are different.

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

That §18-8-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### ARTICLE 8. COMPULSORY SCHOOL ATTENDANCE.

#### §18-8-2. Offenses; penalties; cost of prosecution; jurisdiction.

1 (a) Any person who, after receiving due notice, shall fail to  
2 cause a child or children under eighteen years of age in that  
3 person's legal or actual charge to attend school in violation of  
4 this article or without just cause, shall be guilty of a misde-  
5 meanor and, shall, upon conviction of a first offense, be fined  
6 not less than \$50 nor more than \$100 together with the costs of

7 prosecution, or required to accompany the child to school and  
8 remain through the school day for so long as the magistrate or  
9 judge may determine is appropriate. The magistrate or judge,  
10 upon conviction and pronouncing sentence, may delay the  
11 sentence for a period of sixty school days provided the child is  
12 in attendance everyday during said sixty-day period. Following  
13 the sixty-day period, if said child was present at school for every  
14 school day, the delayed sentence may be suspended and not  
15 enacted. Upon conviction of a second offense, a fine may be  
16 imposed of not less than \$50 nor more than \$100 together with  
17 the costs of prosecution and the person may be required to  
18 accompany the child to school and remain throughout the school  
19 day until such time as the magistrate or judge may determine is  
20 appropriate or confined in jail not less than five nor more than  
21 twenty days. Every day a child is out of school contrary to this  
22 article shall constitute a separate offense. Magistrates shall have  
23 concurrent jurisdiction with circuit courts for the trial of offenses  
24 arising under this section.

25 (b) Any person eighteen years of age or older who is enrolled  
26 in school who, after receiving due notice, fails to attend school  
27 in violation of this article or without just cause, shall be guilty of  
28 a misdemeanor and, shall, upon conviction of a first offense, be  
29 fined not less than \$50 nor more than \$100 together with the  
30 costs of prosecution and required to attend school and remain  
31 throughout the school day. The magistrate or judge, upon  
32 conviction and pronouncing sentence, may delay the imposition  
33 of a fine for a period of sixty school days provided the person is  
34 in attendance every day during said sixty-day period. Following  
35 the sixty-day period, if said student was present at school  
36 everyday, the delayed sentence may be suspended and not  
37 enacted. Upon conviction of a second offense, a fine may be  
38 imposed of not less than \$50 nor more than \$100 together with  
39 the costs of prosecution and the person may be required to go to  
40 school and remain throughout the school day until such time as  
41 the person graduates or withdraws from school or confined in  
42 jail not less than five nor more than twenty days. Every day a

43 student is out of school contrary to this article shall constitute a  
44 separate offense. Magistrates shall have concurrent jurisdiction  
45 with circuit courts for the trial of offenses arising under this  
46 section.

47 (c) Upon conviction of a third offense, any person eighteen  
48 years of age or older who is enrolled in school shall be with-  
49 drawn from school during the remainder of that school year.  
50 Enrollment of that person in school during the next school year  
51 or years thereafter shall be conditional upon all absences being  
52 excused as defined in law, state board policy and county board  
53 of education policy. More than one unexcused absence of such  
54 a student shall be grounds for the director of attendance to  
55 authorize the school to withdraw the person for the remainder of  
56 the school year. Magistrates shall have concurrent jurisdiction  
57 with circuit courts for the trial of offenses arising under this  
58 section.

59 (d) Jurisdiction to enforce compulsory school attendance laws  
60 lies in the county in which a student resides and in the county  
61 where the school at which the student is enrolled is located.  
62 When the county of residence and enrollment are different, an  
63 action to enforce compulsory school attendance may be brought  
64 in either county and the magistrates and circuit courts of either  
65 county have concurrent jurisdiction for the trial of offenses  
66 arising under this section.

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

*Donny Wells*  
Chairman, House Committee

*Paul D. ...*  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Gregory N. ...*  
Clerk of the House of Delegates

*Joseph W. Minard*  
Clerk of the Senate

*... ..*  
Speaker of the House of Delegates

*... ..*  
President of the Senate

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The within *is approved* this the *20* day of *March*, 2014.

*Earl Ray Tomblin*  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 17 2014

Time 3:25 pm