

FILED

2005 APR 29 A 11:30

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2492

(By Delegates Long, Spencer, Talbott, Barker,
Hunt, Marshall and Overington)



Passed April 9, 2005

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 2492

(BY DELEGATES LONG, SPENCER, TALBOTT, BARKER,
HUNT, MARSHALL AND OVERINGTON)

[Passed April 9, 2005; 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 authorizing counties to adopt a mandatory fee when a county elects to institute a teen court program, to fund the program.

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 court

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

21 (b) The following provisions apply to all teen court
22 programs:

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

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

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

33 (4) Disposition in a teen court proceeding shall consist of
34 requiring the juvenile to perform sixteen to forty hours of

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

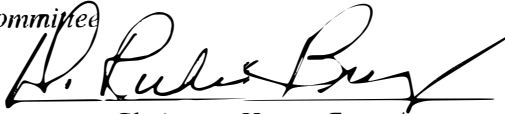
48 (c) The rules for administration, procedure and admission
49 of evidence shall be determined by the chief circuit judge, but
50 in no case may the court require a juvenile to admit the allega-
51 tion against him or her as a prerequisite to participation in the
52 teen court program. A copy of these rules shall be provided to
53 every teen court participant.

54 (d) Each county that operates, or wishes to operate, a teen
55 court program as provided in this section is hereby authorized
56 to adopt a mandatory fee of up to five dollars to be assessed as
57 provided in this subsection. Assessments collected by the clerk
58 of the court pursuant to this subsection shall be deposited into
59 an account specifically for the operation and administration of
60 a teen court program. The clerk of the court of conviction shall
61 collect the fees established in this subsection and shall remit the
62 fees to the teen court program. Any mandatory fee established
63 by the county commission in accordance with the provisions of
64 this subsection shall be paid by the defendant on a judgment of
65 guilty or a plea of nolo contendere for each violation committed
66 in the county of any traffic regulation or law of the road
67 established under the provisions of chapter seventeen-c of this
68 code or any local ordinance.

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



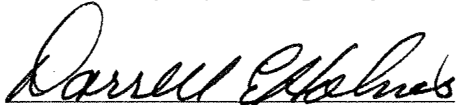
Chairman Senate Committee



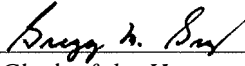
Chairman House Committee

Originating in the House.

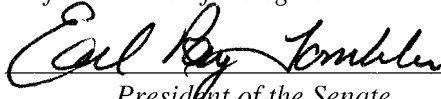
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

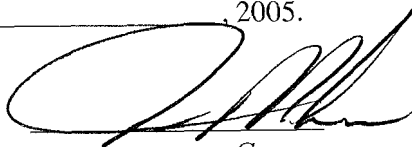


President of the Senate



Speaker of the House of Delegates

The within is approved this the 29th
day of April, 2005.



Governor

PRESENTED TO THE
GOVERNOR

APR 26 2005

Time 11:00am