

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 93**

5 (SENATORS LAIRD, BARNES, GREEN, YOST, FOSTER AND PLYMALE, *original*  
6 *sponsors*)

7 \_\_\_\_\_  
8 [Passed March 10, 2011; in effect ninety days from passage.]  
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11 AN ACT to amend and reenact §61-5-12b of the Code of West Virginia,  
12 1931, as amended, relating to escape from custody of the  
13 Director of Juvenile Services; and penalties.

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

15 That §61-5-12b of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.**

18 **§61-5-12b. Escape from custody of the Director of Juvenile**  
19 **Services.**

20 (a) Any person, under the age of eighteen years of age, who  
21 escapes or attempts to escape from the custody of the Director of  
22 Juvenile Services, regardless of where such person is confined or  
23 where such escape occurs, is guilty of a delinquent act and subject  
24 to the jurisdiction of the circuit court of the county in which the  
25 escape occurred, pursuant to section two, article five, chapter

1 forty-nine of this code: *Provided*, That upon agreement of all  
2 parties, the prosecution of the escape may be transferred to the  
3 circuit court from which the juvenile was originally committed.

4 (b) Any person, over the age of eighteen years of age or any  
5 juvenile who has been transferred to the adult jurisdiction of the  
6 committing court, who escapes or attempts to escape from the  
7 custody of the Director of Juvenile Services, regardless of where  
8 such person is confined or where such escape or attempted escape  
9 occurs, is guilty of escape and, if the person is detained or  
10 confined for an offense which is a felony or would have been a  
11 felony if committed by an adult is guilty of a felony and, upon  
12 conviction thereof, shall be imprisoned in a state correctional  
13 facility not more than five years. Any person, over the age of  
14 eighteen years of age or any juvenile who has been transferred to  
15 the adult jurisdiction of the committing court, who is detained for  
16 an offense which is a misdemeanor or would have been a misdemeanor  
17 if committed by an adult is guilty of a misdemeanor, and upon  
18 conviction thereof, shall be confined in a regional jail for not  
19 more than one year.