

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 93

(By Senators Laird, Barnes, Green, Yost, Foster and Plymale)

[Originating in the Committee on Health and Human Resources;
reported January 21, 2011.]

A BILL to amend and reenact §61-5-12b of the Code of West Virginia, 1931, as amended, relating to escape from custody of the Director of Juvenile Services; and penalties.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

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

- 1 (a) Any person, under the age of eighteen years of age, who
2 escapes or attempts to escape from the custody of the

3 Director of Juvenile Services, regardless of where such
4 person is confined or where such escape occurs, is guilty of
5 a delinquent act and subject to the jurisdiction of the circuit
6 court of the county in which the escape occurred, pursuant
7 to section two, article five, chapter forty-nine of this code:
8 *Provided*, That upon agreement of all parties, the prosecu-
9 tion of the escape may be transferred to the circuit court
10 from which the juvenile was originally committed.

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

25 if committed by an adult is guilty of a misdemeanor, and
26 upon conviction thereof, shall be confined in a regional jail
27 for not more than one year.
