

FILED

2001 MAY -2 P 11: 26

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 3130

(By Mr. Speaker, Mr. Kiss, and
Delegates Trump and Michael)



Passed April 14, 2001

In Effect Ninety Days from Passage

FILED

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FOR

H. B. 3130

(BY MR. SPEAKER, MR. KISS, AND

DELEGATES TRUMP AND MICHAEL)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to repeal section fifteen, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article six, chapter sixty-two of said code by adding thereto a new section, designated section six-a, relating to refusing to accept custody of prisoners arrested by a member of the state police who are in need of medical treatment by a physician; and duty to accept prisoners who are not injured; and penalties.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that article six, chapter sixty-two be amended by adding thereto a new section, designated section six-a to read as follows:

ARTICLE 6. MISCELLANEOUS PROVISIONS CONCERNING CRIMINAL
PROCEDURE.

§62-6-6a. Disposition of prisoners.

1 (a) It is the duty of all officers of the state, or of any county
2 or municipality thereof, or jailers having the charge and custody
3 of any jail or place of detention, to receive any prisoners
4 arrested by any officer or member of any law-enforcement
5 office acting in his or her official capacity and to detain them in
6 custody until ordered released by a tribunal of competent
7 jurisdiction, and any officer, jailer or person having custody of
8 any jail or place of detention who willfully fails or refuses to
9 receive and detain the prisoner is guilty of a misdemeanor and,
10 upon conviction thereof, shall be fined not less than twenty-five
11 dollars nor more than two hundred dollars, or imprisoned in the
12 county or regional jail for not more than sixty days, or both
13 fined and imprisoned.

14 (b) Notwithstanding the provisions of subsection (a) of this
15 section, no officer, jailer or other person having authority to
16 accept prisoners in a county or regional jail is required to do so
17 if the prisoner appears to be in need of medical attention of a
18 degree necessitating treatment by a physician. If a prisoner is
19 refused pursuant to the provisions of this section, he or she may
20 not be accepted for detention until the arresting or transporting
21 officer provides the officer, jailer or person accepting prisoners
22 with a written clearance from a licensed physician reflecting
23 that the prisoner has been examined and, if necessary, treated
24 and which states that in the physician's medical opinion the
25 prisoner can be safely confined in the county or regional jail.

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 15th
day of May, 2001.

Governor

PRESENTED TO THE

GOVERNOR

Date 5/1/01

Time 2:40 pm