

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 93**

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

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

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10 A BILL to amend and reenact §61-5-12b of the Code of West Virginia,
11 1931, as amended, relating to escape from custody of the
12 Director of Juvenile Services; and penalties.

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

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

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

17 **§61-5-12b. Escape from custody of the Director of Juvenile**
18 **Services.**

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

1 parties, the prosecution of the escape may be transferred to the
2 circuit court from which the juvenile was originally committed.

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

(NOTE: Strike-throughs indicate language that would be
stricken from the present law, and underscoring indicates new
language that would be added.)