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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1101

(By Mr. Delegate William)



Passed March 9, 1984

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1101
(By DELEGATE GILLIAM)

[Passed March 9, 1984; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article nineteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the circumstances under which a nonresident motorist arrested for traffic violations shall be immediately taken before a magistrate or court; and relating to the circumstances under which such nonresident motorist shall be issued a written notice to appear in court and not be taken immediately before a magistrate or court.

Be it enacted by the Legislature of West Virginia:

That section three, article nineteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. PARTIES, PROCEDURE UPON ARREST, AND REPORTS
IN CRIMINAL CASES.**

§17C-19-3. When person arrested must be taken immediately before a magistrate or court.

- 1 (a) Whenever any person is arrested for any violation of
2 this chapter punishable as a misdemeanor, the arrested person
3 shall be immediately taken before a magistrate or court within
4 the county in which the offense charged is alleged to have
5 been committed and who has jurisdiction of the offense and

6 is nearest or most accessible with reference to the place where
7 the arrest is made, in any of the following cases:

8 (1) When a person arrested demands an immediate ap-
9 pearance before a magistrate or court;

10 (2) When the person is arrested upon a charge of negligent
11 homicide;

12 (3) When the person is arrested upon a charge of driving
13 while under the influence of alcohol, or under the influence
14 of any controlled substance, or under the influence of any
15 other drug, or under the combined influence of alcohol and
16 any controlled substance or any other drug;

17 (4) When the person is arrested upon a charge of failure
18 to stop in the event of an accident causing death, personal
19 injury or damage to property;

20 (5) When the person is arrested upon a charge of violating
21 section fourteen, article seventeen of this chapter relating to
22 weight violations, except as otherwise provided in that section;

23 (6) When the person arrested is a resident of a state
24 that has not entered into a nonresident violator compact with
25 this state;

26 (7) In any other event when the person arrested refuses
27 to give his written promise to appear in court as provided
28 in section four of this article.

29 (b) When the person arrested is a resident of a state
30 that has entered into a nonresident violator compact with
31 this state, the arresting officer shall issue the person a written
32 notice as provided for in section four of this article and may
33 not take the person immediately before a magistrate or court,
34 except under the terms of the compact or under the circum-
35 stances set forth in subsection (a) of this section.

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

James L. Davis
Chairman Senate Committee

Donald Anello
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Hull
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Warrent W. Hew
President of the Senate

W. M. Seay, Jr.
Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1984.

John A. Roan
Governor

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SECY. OF STATE