

SB 740

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2002*

**ENROLLED**

SENATE BILL NO. 740

(By Senator Wootton, et al)

PASSED March 9, 2002

In Effect 90 days from **Passage**

FILED

2002 APR -3 P 6:07

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

## **Senate Bill No. 740**

(BY SENATORS WOOTON, BURNETTE, CALDWELL, FANNING,  
HUNTER, OLIVERIO, ROSS, ROWE, SNYDER AND DEEM)

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[Passed March 9, 2002; in effect ninety days from passage.]

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AN ACT to amend article four, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section two-a, relating to providing that video arraignments of already incarcerated persons be performed if practicable by a magistrate from the charging jurisdiction; and allowing alternative proceedings before magistrates located in the jurisdiction in which the facility is located or by any magistrate designated to preside by the supreme court of appeals.

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

That article four, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding there to a new section, designated section two-a, to read as follows:

**ARTICLE 4. PROCEDURE BEFORE TRIAL.**

**§50-4-2a. Initial appearance and arraignment by video to be conducted by magistrate court wherein offense is charged; exceptions.**

1 (a) Except as provided by the provisions of subsection (b)  
2 of this section, whenever a person already detained in a  
3 regional jail facility is served with a criminal complaint,  
4 the initial appearance or arraignment, if accomplished by  
5 the use of a video imaging system, shall to the extent  
6 practicable be before a magistrate of the charging jurisdic-  
7 tion. If such is not practicable, a magistrate of the juris-  
8 diction in which the regional jail facility is located may  
9 preside over the proceeding.

10 (b) An order of the supreme court of appeals authorizing  
11 a magistrate or magistrates to conduct pretrial proceed-  
12 ings by use of video imaging shall supercede the require-  
13 ments set forth in subsection (a) of this section.

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

*Carly Murz*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*David Parks*  
.....  
Clerk of the Senate

*Bryce W. Sawyer*  
.....  
Clerk of the House of Delegates

*Carl By Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within is approved this the 3rd  
Day of April, 2002.

*Bob Wise*  
.....  
Governor

FORWARDED TO THE

GOVERNOR

Date 3/25/02

Time 11:40am