

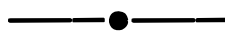
HB 2791 S

FILED

2007 MAR -6 PM 2:41

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

House Bill No. 2791

(By Delegates Webster, Proudfoot, Stemple,
Varner, Longstreth and Kominar)



Passed February 23, 2007

In Effect Ninety Days from Passage

FILED

2007 MAR -6 PM 2:41

ENROLLED

OFFICE WEST VIRGINIA
SECRETARY OF STATE

COMMITTEE SUBSTITUTE

FOR

H. B. 2791

(BY DELEGATES WEBSTER, PROUDFOOT, STEMPLER,
VARNER, LONGSTRETH AND KOMINAR)

[Passed February 23, 2007; in effect ninety days from passage.]

AN ACT to repeal §62-6-2 of the Code of West Virginia, 1931, as amended; and to amend and reenact §62-10-1 and §62-10-3 of said code, all relating to penalties for violating peace bonds.

Be it enacted by the Legislature of West Virginia:

That §62-6-2 of the Code of West Virginia, 1931, as amended, be repealed; and that §62-10-1 and §62-10-3 of said code be amended and reenacted, all to read as follows:

ARTICLE 10. PREVENTION OF CRIME.

§62-10-1. Security to keep the peace.

1 Every magistrate shall have the power to require, from
2 persons not of good fame, security for their good behavior
3 and to keep the peace, for a term not exceeding one year. A
4 person who violates a court order to keep the peace may be
5 fined not more than two hundred fifty dollars.

§62-10-3. Hearing, judgment, appeal process for security to keep the peace.

1 When a defendant appears pursuant to section one, article
2 ten, chapter sixty-two of the Code of West Virginia, if the
3 magistrate, upon hearing the parties, decides that there is not
4 good cause for the complaint, the magistrate shall discharge
5 the defendant, and may grant judgment in the defendant's
6 favor and against the complainant for the defendant's costs.
7 If the magistrate decides there is good cause for the
8 complaint, he or she may grant judgment for the complainant
9 and may require a bond of the person against whom the
10 judgment is granted. The magistrate may then enter a
11 judgment against the defendant for the full costs of the
12 prosecution, or any part thereof. If the defendant violates the
13 conditions of the bond, he or she may be fined not more than
14 two hundred fifty dollars. If the defendant fails to pay the fine
15 imposed, the magistrate granting the judgment under this
16 section for costs may, pursuant to article four, chapter thirty-
17 eight of the Code of West Virginia issue a writ of execution
18 on the defendant's personal property. A person from whom
19 a bond is required may, upon the imposition of the bond,
20 appeal the judgment to the circuit court of the county in
21 which the judgment was granted.

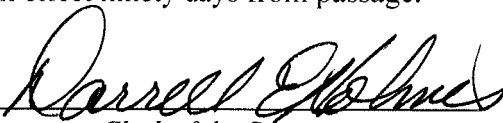
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

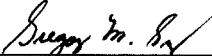

Chairman Senate Committee

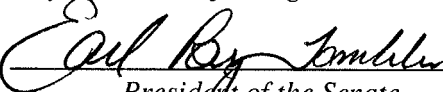

Chairman House Committee


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 6th
day of March, 2007.


Governor

PRESENTED TO THE
GOVERNOR

MAR 01 2007

Time 4:00 pm