WEST VIRGINIA CODE: §61-3-39F

§61-3-39f. Manner of filing complaint for warrant; form.

(A) Notwithstanding the provisions of section one, article one, chapter sixty-two of this code, a complaint for warrant for violations of section thirty-nine or section thirty-nine-a of this article need not be made upon oath before a magistrate but may be made upon oath before any magistrate court clerk or other court officer authorized to administer oaths or before a notary public in any county of the state and may be delivered by mail or otherwise to the magistrate court of the county wherein venue lies: Provided, That nothing in this section changes the authority and responsibility of the prosecuting attorney to prosecute any person or persons for violations of section thirty-nine or section thirty-nine-a of this article.

(B) A complaint for warrant for violations of section thirty-nine-a of this article shall be deemed sufficient if it is in form substantially as follows:

"State of West Virginia

County of ....., to wit:

....., upon oath complains that:

(a) Within one year past, on the ..... day of ....., 20...., in the county stated above, ... (?the maker") unlawfully issued and delivered to ..... a check, draft or order with the following words and figures:

..... 20 .... No.....

.....

(Name of Bank)

Pay to the Order of ..... $..... Dollars

For..... when the maker did not have funds on deposit in or credit with this bank with which to pay the check, draft or order upon presentation against the peace and dignity of the State of West Virginia. The complainant therefore prays a warrant issue and that the maker be apprehended and held to answer the warrant and dealt with in relation thereto according to the law.

(b) At the time the check, draft or order was delivered and before it was accepted there was either on the check or on a record in the possession of the complainant the following information regarding the identity of the maker:

(1) Name.....

WV Legislature

(2) Residence address.....

(3) Business address.....

(4) Mailing address.....

(5) Motor vehicle operator's number.....

(6) Home phone.....

(7) Work phone.....

(8) Place of employment.....

That since the time the check, draft or order was delivered the complainant has ascertained to the best of his or her knowledge and belief the following facts concerning the maker:

Full name .....

Home address .....

Home phone no..... Business phone no.....

Place of employment .....

Race ..... Sex ..... Height .....

Date of birth .....

DayMonthYear

....., Complainant

.....

AddressPhone No.

(c) The complainant's bank or financial institution has imposed on or collected from the complainant a service charge in the amount of $..... in connection with the check, draft or order described above.

Taken, subscribed and sworn to before me, this ..... day of ....., 20.....

.....

.....

WV Legislature

(Title)

My commission expires the …… day of ……., 20…..”

(C) The failure to supply information indicated in parts (b) or (c) of the foregoing complaint for warrant shall not affect the sufficiency of the complaint.

WV Legislature