## WEST VIRGINIA CODE: §61-3-39m

## §61-3-39m. Creation and operation of a program for worthless check offenders; acceptance of person in program.

- (a) A prosecuting attorney may create within his or her office a worthless check restitution program for persons who have violated sections thirty-nine or thirty-nine-a of this article. This program may be conducted by the prosecuting attorney in conjunction with a lawenforcement agency or by a private entity under contract with the prosecuting attorney.
- (b) The prosecuting attorney may adopt standards to determine the appropriateness of an individual case for the program. In developing these standards, the prosecuting attorney should consider the following factors:
- (1) The amount of the check, draft or order made, drawn, issued, uttered or delivered;
- (2) The person's criminal record;
- (3) The number of times the person has participated in the program; and
- (4) The number of warrants or cases pending against the person for violations of sections thirty-nine or thirty-nine-a of this article.
- (c) Except as provided in section thirty-nine-o of this article, nothing in this section shall preclude the prosecuting attorney from prosecuting violations of sections thirty-nine or thirty-nine-a of this article.
- (d) Nothing in this section may be construed or interpreted to mandate funding for any worthless check restitution program created in a prosecuting attorney's office or to require any appropriation by the Legislature.
- (e) Notwithstanding any other provision of law to the contrary, no case is appropriate for referral to the program unless notice has been provided pursuant to section thirty-nine-e or thirty-nine-g of this article.