WEST VIRGINIA CODE: §62-14A-5

§62-14A-5. Return of fugitive from this state.

(a) Whenever the Governor shall demand from the executive authority of another state or from a judge of the Superior Court of the District of Columbia the return to this state of a person found in such state or the District of Columbia who is charged with a crime, who has escaped from confinement, who has been improperly released prior to completion of his or her period of confinement, or who violated the terms of his or her bail, probation, or parole, the Governor shall issue a warrant for the person under the Great Seal of West Virginia, affixed thereon by the Secretary of State to an agent, commanding said agent to receive the person so charged if delivered to him or her and to transport the person to the proper officer of this state or a county of this state in which the offense was committed.

(b) When the return to this state of a person charged with a crime in this state is required, the prosecuting attorney shall present to the Governor his or her written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him or her, the approximate time, place, and circumstances of its commission, the state in which he or she is believed to be, including the location of the accused therein, at the time the application is made, and certifying that, in the opinion of the said prosecuting attorney, the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

(c) When the return to this state is required of a person who has been previously convicted of a crime in this state and has escaped from confinement, has been improperly released prior to completion of his or her period of confinement, violated the terms of his or her bail, probation, or parole, the prosecuting attorney of the county in which the offense was committed, the Parole Board, or the Commissioner of the Division of Corrections and Rehabilitation from which escape, improper release, or violation of terms of bail, probation, or parole was committed, shall present to the Governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which the person was convicted, the circumstances of his or her escape from confinement, or of the breach of the terms of his or her bail, probation, or parole, the state in which the person is believed to be, including the location of the person therein at the time application is made.

(d) The application shall be verified by affidavit, shall be executed in duplicate and shall, pursuant to subsection (b) of this section, be accompanied by either: Two certified copies of the indictment returned or information and affidavit filed, or, pursuant to subsection (c) of this section, two certified copies of the complaint made to the judge or justice, stating the offense with which the accused is charged, or the judgment of conviction or of the sentence. The prosecuting attorney, Parole Board, Commissioner of the Division of Corrections and Rehabilitation, or sheriff may also attach such further affidavits and other identification

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documents in duplicate as he or she shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of State, to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

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