

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

HOUSE BILL No. 30

(By Mr. Preston)



PASSED February 15 1935

In Effect 90 days from Passage

30

ENROLLED

House Bill No. 30

(BY MR. PRESTON)

[Passed February 18, 1935; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article one, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to criminal procedure and admission to bail.

Be it enacted by the Legislature of West Virginia:

That section six, article one, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 6. A justice may admit to bail a person who is
2 charged with, but not convicted of, an offense not punishable
3 with death. If the offense be punished by confinement in the
4 penitentiary, he shall not admit such person to bail in a sum
5 less than five hundred dollars. But a justice shall not admit

6 any person to bail if bail has been previously refused to such
7 person by any court or judge; nor shall any person confined
8 in jail by an order of commitment in which the amount of bail
9 he is to give, is specified, or where an order has been made
10 by a court or judge fixing the bail such person is to give, be
11 admitted to bail by a justice in a sum less than is specified in
12 the order. But a circuit, intermediate or criminal court, or
13 the supreme court of appeals, or a judge of either of said
14 courts in vacation, may, for good cause shown, admit any per-
15 son to bail before conviction, or after conviction for a misde-
16 meanor, or after a new trial has been granted after conviction
17 for a felony, except conviction for offenses where the penalty
18 is confinement in the penitentiary for life or death, and may,
19 by order, direct the clerk of the circuit, intermediate or crimi-
20 nal court of the county in which the offense is charged to have
21 been committed to take the bond with good security in such a
22 sum as the court or judge may fix in such order: *Provided,*¹
23 That in cases where bail has been allowed after conviction as
24 aforesaid, the condition of the recognizance, or bond shall be,
25 that the accused shall appear before the said circuit, inter-
26 mediate or criminal court at its first regular term after the

27 appellate court shall have rendered its final order or judg-
28 ment, upon such writ of error, appeal or supersedeas, and sub-
29 mit himself to such order or judgment, and to be further
30 dealt with according to law.

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

Clinton F. Howard
.....

Chairman Senate Committee

Arnold M. Peters
.....

Chairman House Committee

Originated in the *House of Delegates*
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Takes effect *90 days from* passage.

Charles E. Hodges
.....

Clerk of the Senate

John S. House
.....

Clerk of the House of Delegates

Chas. E. Hodges
.....

President of the Senate

John S. House
.....

Speaker House of Delegates.

The within *is approved* this the *23rd*
.....

day of *February* , 1935.

H. S. Kemp
.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. **FEB 26 1935**
Wm. S. O'BRIEN,
Secretary of State