

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 7

(By Mr. Van Sickler)



PASSED Feb 1 1937

In Effect from Passage

Filed in the office of the Secretary of State
of West Virginia **FEB 10 1937**
Wm. S. O'BRIEN,
Secretary of State

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House Bill No. 7

(BY MR. VAN SICKLER)

[Passed February 1, 1937; in effect 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, as amended by chapter thirty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, 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, as amended by chapter thirty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, be amended to read as follows:

Section 6. *Admission to Bail; Procedure; Exceptions.* A

2 justice may admit to bail a person who is charged with, but

3 not convicted of, an offense not punishable with death. If the
4 offense be punished by confinement in the penitentiary, he
5 shall not admit such person to bail in a sum less than
6 five hundred dollars. But a justice shall not admit any per-
7 son to bail if bail has been previously refused to such person
8 by any court or judge; nor shall any person confined in jail
9 by an order of commitment in which the amount of bail he
10 is to give is specified, or where an order has been made by
11 a court or judge fixing the bail such person is to give, be
12 admitted to bail by a justice in a sum less than is specified
13 in the order. But a circuit, intermediate or criminal court,
14 or the supreme court of appeals, or a judge of either of said
15 courts in vacation, may, for good cause shown, admit any
16 person to bail before conviction, or after conviction, except
17 a conviction for offenses where the penalty is confinement in
18 the penitentiary for life, or death, and during the suspension
19 of the execution of the judgment of conviction or pending
20 an appeal or writ of error, and may, by order, direct the
21 clerk of the circuit, intermediate or criminal court of the
22 county in which the offense is charged to have been com-
23 mitted to take the bond with good security in such sum as

24 the court or judge may fix in such order: *Provided*, That in
25 cases where bail has been allowed, after conviction as afore-
26 said, the condition of the recognizance, or bond, shall be that
27 the accused shall appear before the said circuit, intermediate
28 or criminal court at its first regular term after the appellate
29 court shall have rendered its final order or judgment, upon
30 such writ of error, appeal or supersedeas, and submit himself
31 to such order or judgment, and to be further dealt with
32 according to law.

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

Carl B. Galbreath

Chairman Senate Committee

Wesley Walker

Chairman House Committee

Originated in the

house

Takes effect

from

passage.

Thomas M. ...

Clerk of the Senate

Mo S. Wall

Clerk of the House of Delegates

Chas. E. Hoyle

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within

approved

this the

10th

day of

February

, 1937.

Frank A. ...

Governor.

FEB 10 1937

Filed in the office of the Secretary of State of West Virginia.

FEB 10 1937

Wm. S. O'BRIEN, Secretary of State