

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1937**



**ENROLLED**

**SENATE BILL No.** 107

(By Mr. Randolph)



**PASSED** March 13th 1937

**In Effect** 90 days from **Passage**

107

**ENROLLED**  
**Senate Bill No. 102**

(BY MR. RANDOLPH)

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[Passed March 13, 1937; in effect ninety days from passage.]

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AN ACT to make uniform the law on fresh pursuits and authorizing this state to cooperate with other states therein.

*Be it enacted by the Legislature of West Virginia:*

Section. 1. Any member of a duly organized state, county or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has

8 any member of any duly organized state, county or mu-  
9 nicipal peace unit of this state to arrest and hold in custody  
10 a person on the ground that he is believed to have com-  
11 mitted a felony in this state.

Sec. 2. If an arrest is made in this state by an officer of  
2 another state in accordance with the provisions of section  
3 one of this act he shall without unnecessary delay take the  
4 person arrested before a magistrate of the county in which  
5 the arrest was made, who shall conduct a hearing for the  
6 purpose of determining the lawfulness of the arrest. If the  
7 magistrate determines that the arrest was lawful he shall  
8 commit the person arrested to await for a reasonable time  
9 the issuance of an extradition warrant by the governor of  
10 this state. If the magistrate determines that the arrest was  
11 unlawful he shall discharge the person arrested.

Sec. 3. Section one of this act shall not be construed so  
2 as to make unlawful any arrest in this state which would  
3 otherwise be lawful.

Sec. 4. For the purpose of this act the word "state"  
2 shall include the District of Columbia.

Sec. 5. The term "fresh pursuit" as used in this act  
2 shall include fresh pursuit as defined by the common law,  
3 and also the pursuit of a person who has committed a  
4 felony or who is reasonably suspected of having committed  
5 a felony. It shall also include the pursuit of a person sus-  
6 pected of having committed a supposed felony, though no  
7 felony has actually been committed, if there is reasonable  
8 ground for believing that a felony has been committed.  
9 Fresh pursuit as used herein shall not necessarily imply  
10 instant pursuit, but pursuit without unreasonable delay.

Sec. 6. It shall be the duty of the secretary of state (or  
2 other officer) to certify a copy of this act to the executive  
3 department of each of the states of the United States.

Sec. 7. If any part of this act is for any reason declared  
2 void, it is declared to be the intent of this act that such  
3 invalidity shall not affect the validity of the remaining  
4 portions of this act.

Sec. 8. This act may be cited as the "uniform act on  
2 fresh pursuit."

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

*Carl B. Galbraith*

Chairman Senate Committee

*Deeds B. B. B.*

Chairman House Committee

Originated in the

*Senate*

Takes effect

*90 days from*

passage.

*Charles D. ...*

Clerk of the Senate

*Geo. S. Hall*

Clerk of the House of Delegates

*Chas. E. Hoyle*

President of the Senate

*J. T. Thomas*

Speaker House of Delegates

The within

*Approved*

this the

*189*

day of

*March*

, 1937:

*James ...*

Governor



MAR 19 1937