WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 316

(By Mr. )

PASSED Mar. 5, 1955

In Effect 90 days from Passage

Filed in the Office of the Secretary of State of West Virginia, MAR 11 1955
D. P. D. O'BRIEN
SECRETARY OF STATE
AN ACT to amend and reenact section two-a, article six, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to recognizances in criminal cases.

Be it enacted by the Legislature of West Virginia:

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

Section 2-a. Cash Deposits as Recognizance without Surety.—Whenever a person arrested on a criminal charge has been admitted to bail by a court or an officer authorized by law so to do, for his appearance before any court, judge or justice, he may, instead of entering into a recognizance with surety as required by law, give his personal recognizance and deposit, or cause to be deposited for
him, in cash, the amount of bail he is required to furnish, with the clerk of the circuit court of the county, or with the clerk of any other court in which he was admitted to bail, and the clerk with whom such deposit is made shall give him a certificate thereof, and upon delivering said certificate to the court or officer admitting him to bail, he shall be ordered to be released: Provided, however, That in the event the court before which he is to appear be the mayor's court, or the police court of any municipality of this state, then in such event, the deposit in cash of the amount of bail he is required to furnish may be deposited with the mayor, chief of police, desk sergeant, acting desk sergeant, town sergeant, clerk or deputy clerk of the police court, or of the mayor's court, town recorder, or such other person as may be designated by the governing body of such municipality by proper ordinance. A proper certificate or receipt shall be furnished as evidence of such deposit, and upon delivery of such certificate or receipt to the court or officer admitting him to bail, he shall be ordered to be released. Any such officer of any such municipality authorized to receive any
such deposit, in lieu of a recognizance with surety, shall
at the time of receiving such deposit, advise the defendant
of the place, day and hour of his trial, and such certificate
or receipt shall likewise contain information of the place,
day and hour of the trial of such defendant.

If there be no default in the observance of the condi-
tions of the recognizance, then, upon the termination of
the proceedings, the money so deposited, shall, by order
of the trial court or justice, be refunded to the defendant,
or upon his order; but if there be any such default, the
same action shall be taken, and the same proceedings had,
with like rules governing, so far as applicable, as if the
recognizance had been with surety instead of with cash
deposit aforesaid, and the clerk having the money shall
dispose of the same, if there be a judgment of forfeiture,
in the same manner as other money received on account
of forfeited recognizances is required to be disposed of.

The defendant may surrender himself at any time be-
fore default in the same manner as sureties may surrender
their principal, and the money so deposited shall there-
upon, by order of the court or officer to which or to whom
such surrender was made, be returned to the defendant
or on his order.

This act shall be deemed as authority authorizing muni-
cipalities of this state and the courts thereof to accept cash
deposits in lieu of a recognizance with surety and shall
be construed to authorize and empower any municipal
officer, agent or official herein mentioned or as may be
designated by the governing body of any municipality
to receive cash deposit in lieu of a recognizance with
surety, and to authorize the proper official of any mu-
icipality to receive the proceeds of any such cash deposit
after the same has been forfeited as herein provided and
apply the same to any proper municipal purpose as directed
by the governing body thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originated in the House of Delegates

Takes effect sixty days from passage.

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

[Signature]

The within approved this the 10th day of March, 1955.

[Signature]

Governor

[Signature]

Filed in the Office of the Secretary of State of West Virginia MAR 11 1955

D. PITT KERREN
SECRETARY OF STATE