

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 346

(By Mr. Marchand)



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. PITT O'BRIEN
CLERK OF STATE

ENROLLED
House Bill No. 346
(By MR. FUMICH)

[Passed March 5, 1955; in effect ninety days from passage.]

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

2 *Surety.*—Whenever a person arrested on a criminal charge
3 has been admitted to bail by a court or an officer authorized
4 by law so to do, for his appearance before any court,
5 judge or justice, he may, instead of entering into a recognizance
6 with surety as required by law, give his personal
7 recognizance and deposit, or cause to be deposited for

8 him, in cash, the amount of bail he is required to furnish,
9 with the clerk of the circuit court of the county, or with
10 the clerk of any other court in which he was admitted
11 to bail, and the clerk with whom such deposit is made
12 shall give him a certificate thereof, and upon delivering
13 said certificate to the court or officer admitting him to
14 bail, he shall be ordered to be released: *Provided, how-*
15 *ever,* That in the event the court before which he is to
16 appear be the mayor's court, or the police court of any
17 municipality of this state, then in such event, the deposit
18 in cash of the amount of bail he is required to furnish
19 may be deposited with the mayor, chief of police, desk
20 sergeant, acting desk sergeant, town sergeant, clerk or
21 deputy clerk of the police court, or of the mayor's court,
22 town recorder, or such other person as may be designated
23 by the governing body of such municipality by proper
24 ordinance. A proper certificate or receipt shall be fur-
25 nished as evidence of such deposit, and upon delivery of
26 such certificate or receipt to the court or officer admitting
27 him to bail, he shall be ordered to be released. Any such
28 officer of any such municipality authorized to receive any

29 such deposit, in lieu of a recognizance with surety, shall
30 at the time of receiving such deposit, advise the defendant
31 of the place, day and hour of his trial, and such certificate
32 or receipt shall likewise contain information of the place,
33 day and hour of the trial of such defendant.

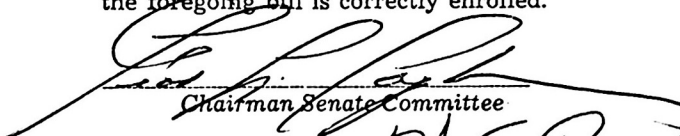
34 If there be no default in the observance of the condi-
35 tions of the recognizance, then, upon the termination of
36 the proceedings, the money so deposited, shall, by order
37 of the trial court or justice, be refunded to the defendant,
38 or upon his order; but if there be any such default, the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


46 The defendant may surrender himself at any time be-
47 fore default in the same manner as sureties may surrender
48 their principal, and the money so deposited shall there-
49 upon, by order of the court or officer to which or to whom

50 such surrender was made, be returned to the defendant
51 or on his order.

52 This act shall be deemed as authority authorizing muni-
53 cipalities of this state and the courts thereof to accept cash
54 deposits in lieu of a recognizance with surety and shall
55 be construed to authorize and empower any municipal
56 officer, agent or official herein mentioned or as may be
57 designated by the governing body of any municipality
58 to receive cash deposit in lieu of a recognizance with
59 surety, and to authorize the proper official of any mu-
60 nicipality to receive the proceeds of any such cash deposit
61 after the same has been forfeited as herein provided and
62 apply the same to any proper municipal purpose as directed
63 by the governing body thereof.

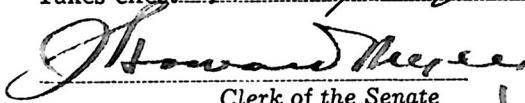
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

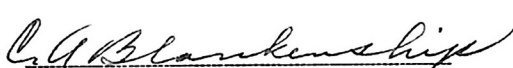

Chairman Senate Committee

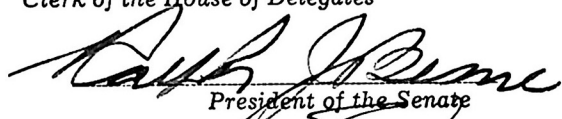

Chairman House Committee

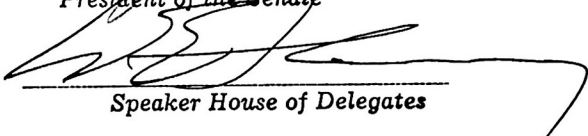
Originated in the House of Delegates

Takes effect 90 days from passage.

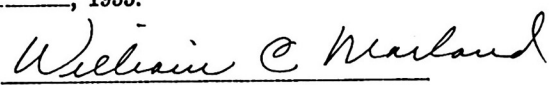

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

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


Governor



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of West Virginia MAR 11 1955

D. PITT MCGUIRE
SECRETARY OF STATE