

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 130

(By Mr. Casto)



PASSED March 8, 1963

In Effect ninety days from Passage



130

Filed in Office of the Secretary of State
of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
House Bill No. 130
(By MR. CASTO)

[Passed March 8, 1963; 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:

Article 6. Recognizances in Criminal Cases.

Section 2-a. Cash Deposits as Recognizance without
2 Surety.—Whenever a person arrested on a criminal
3 charge has been admitted to bail by a court or an officer
4 authorized by law so to do, for his appearance before

5 any court, judge or justice, he may, instead of entering
6 into a recognizance with surety as required by law, give
7 his personal recognizance and deposit, or cause to be
8 deposited for him, in cash, the amount of bail he is re-
9 quired to furnish, with the clerk of the circuit court of
10 the county, the justice of the peace, or with the clerk
11 of any other court in which he was admitted to bail, and
12 the clerk or the justice of the peace with whom such
13 deposit is made shall give him a certificate thereof, and
14 upon delivering said certificate to the court or officer
15 admitting him to bail, he shall be ordered to be released:
16 *Provided, however,* That in the event the court before
17 which he is to appear be the mayor's court, or the police
18 court of any municipality of this state, then in such
19 event, the deposit in cash of the amount of bail he is
20 required to furnish may be deposited with the mayor,
21 chief of police, desk sergeant, acting desk sergeant, town
22 sergeant, clerk or deputy clerk of the police court, or of
23 the mayor's court, town recorder, or such other person
24 as may be designated by the governing body of such
25 municipality by proper ordinance. A proper certificate

26 or receipt shall be furnished as evidence of such deposit,
27 and upon delivery of such certificate or receipt to the
28 court or officer admitting him to bail, he shall be ordered
29 to be released. Any such officer of any such municipality
30 authorized to receive any such deposit, in lieu of a recog-
31 nizance with surety, shall at the time of receiving such
32 deposit, advise the defendant of the place, day and hour
33 of his trial, and such certificate or receipt shall likewise
34 contain information of the place, day and hour of the
35 trial of such defendant.

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

47 as other money received on account of forfeited recog-
48 nizances is required to be disposed of.

49 Each justice of the peace shall during the first week of
50 each month render under oath to the prosecuting attorney
51 of his county a true and complete statement of each cash
52 bond which he received during the preceding calendar
53 month and of each cash bond which is, on the date of the
54 report, in his possession, which statement shall also set
55 forth the name of the defendant, the amount of the bond
56 and the disposition of the same; and the failure so to do
57 shall be deemed a breach of his official duty.

58 The defendant may surrender himself at any time
59 before default in the same manner as sureties may sur-
60 render their principal, and the money so deposited shall
61 thereupon, by order of the court or officer to which or to
62 whom such surrender was made, be returned to the de-
63 fendant or on his order.

64 This section shall be deemed as authority authorizing
65 municipalities of this state and the courts thereof to
66 accept cash deposits in lieu of a recognizance with surety
67 and shall be construed to authorize and empower any

68 municipal officer, agent or official herein mentioned or
69 as may be designated by the governing body of any
70 municipality to receive cash deposit in lieu of a recog-
71 nizance with surety, and to authorize the proper official
72 of any municipality to receive the proceeds of any such
73 cash deposit after the same has been forfeited as herein
74 provided and apply the same to any proper municipal
75 purpose as directed by the governing body thereof.

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

O. Ray Parker
Chairman Senate Committee

Ethel L. Crandall
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Hughes
Clerk of the Senate

O. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

Julius W. Singletary Jr.
Speaker House of Delegates

The within approved this the 14th
day of March, 1963.

W. W. Barron
Governor

