WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

ENROLLED

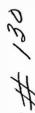
HOUSE BILL No. 130

(By Mr. Casto)

PASSED March 8, 1963

In Effect minety days from Passage

Filed in Office of the Secretary of State of West Virginia <u>3-15-63</u> 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 Enr. H. B. No. 130]

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 deposited for him, in cash, the amount of bail he is re-8 quired to furnish, with the clerk of the circuit court of 9 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 deposit is made shall give him a certificate thereof, and 13 14 upon delivering said certificate to the court or officer admitting him to bail, he shall be ordered to be released: 15 16 Provided, however, That in the event the court before 17 which he is to appear be the mayor's court, or the police court of any municipality of this state, then in such 18 event, the deposit in cash of the amount of bail he is 19 required to furnish may be deposited with the mayor, 20 21 chief of police, desk sergeant, acting desk sergeant, town 22 sergeant, clerk or deputy clerk of the police court, or of the mayor's court, town recorder, or such other person 23 as may be designated by the governing body of such 24

25 municipality by proper ordinance. A proper certificate

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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 defendant, or upon his order; but if there be any such 40 default, the same action shall be taken, and the same 41 42 proceedings had, with like rules governing, so far as applicable, as if the recognizance had been with surety · 43 instead of with cash deposit aforesaid, and the clerk or 44 45 other person having the money shall dispose of the same, if there be a judgment of forfeiture, in the same manner 46

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

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.

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

URe. Chairman/Senate Committee Chairman'House Committee

Originated in the House.

Takes	effect - minity days from	passage.
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\mathcal{J}^{-}	Clerk of the Senate	

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Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

_____this the <u>14</u> prove The within March, 1963. day of _

Governor

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