

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

SENATE BILL NO. 236

(By Mr. Jones)



PASSED March 6, 1978

In Effect ninety days from Passage



## ENROLLED

### Senate Bill No. 236

(By Mr. JONES)

[Passed March 6, 1978; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article one-c, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to forfeiture of bond in criminal procedure; enforcement; providing that any person, other than the defendant may show cause why a judgment of default should not be entered within sixty days after last day of term of court.

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

That section nine, article one-c, 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 1C. BAIL.**

##### **§62-1C-9. Forfeiture—Enforcement.**

1 When a forfeiture has not been set aside, the court or  
2 justice, upon motion of the state, shall enter a judgment of  
3 default and execution may issue thereon: *Provided*, That  
4 if the forfeiture is declared in a court of record and if the  
5 deposit for bail be by the defendant, the order taking  
6 judgment shall be entered at the same or next term of  
7 court in which the forfeiture was declared: *And providing*  
8 *further*, That if the deposit for bail be by a person other *geo. d.*  
9 than the defendant, or if the bail be in the form of  
10 recognizance, such person making the deposit or the surety  
11 on the recognizance shall be given sixty days' notice from  
12 the last day of the term of court in which the forfeiture  
13 was declared by certified mail at his last-known address  
14 to appear and show cause why a judgment of default  
15 should not be entered. Execution shall issue in the name  
16 of the state and shall proceed in the manner provided by

17 law in civil actions. If the bail be in the form of bonds  
18 or stocks, the judgment order may direct that all or  
19 part thereof be sold through a state or national bank or  
20 through a brokers exchange registered with the federal  
21 securities and exchange commission.

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

James L. Davis  
Chairman Senate Committee

Frederic C. Sturtevant  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Kellon Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Bullock  
President of the Senate

Donald L. Kapp  
Speaker House of Delegates

The within disapproved this the 24  
day of March, 1978.

John J. Rhyne  
Governor



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