

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time _____

NO: 526

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 526

(By Mr. Gainer & Mr. Colombo)



PASSED April 9, 1981

In Effect ninety days from Passage



ENROLLED

Senate Bill No. 526

(By MR. GAINER and MR. COLOMBO)

[Passed April 9, 1981; in effect ninety days from passage.]

AN ACT to amend article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections four-a and four-b, relating to natural resources; law-enforcement procedures and penalties; and procedures to be followed when arrests are made by conservation officers.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections four-a and four-b, to read as follows:

ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES; MOTORBOATING.

§20-7-4a. When person arrested to be given five days' notice to appear in court.

1 (a) Whenever a person is arrested for any violation of
2 this chapter punishable as a misdemeanor, and such person
3 is not immediately taken before a magistrate or court, the
4 arresting officer shall prepare written notice to appear in
5 court containing the name, address, date of birth, sex,
6 hunting or fishing license number, if any, and social
7 security number of such person, serial number or des-
8 cription of any property found in the possession of the
9 person arrested and susceptible to use in committing the
10 offense charged, if any, the offense charged and the time

11 and place, when and where such person shall appear in
12 court.

13 (b) The time specified in said notice to appear must be
14 at least five days after such arrest unless the person
15 arrested demands an earlier hearing.

16 (c) The place specified in said notice to appear must be
17 before a magistrate or court within the county in which
18 the offense charged is alleged to have been committed
19 and who has jurisdiction of such offense.

20 (d) The arrested person in order to secure release, as
21 provided in this section, must accept a copy of the written
22 notice prepared by the arresting officer. The officer shall
23 deliver a copy of the notice to the person promising to
24 appear. Thereupon, said officer shall forthwith release the
25 person arrested from custody.

§20-7-4b. Record of cases.

1 Every magistrate or judge of a court shall keep or
2 cause to be kept a record of every complaint, or other
3 legal form of charge, which alleges a violation of the
4 provisions of this chapter or the rules and regulations
5 promulgated thereunder, deposited with or presented to
6 said court and shall keep a record of every official action
7 by said court in reference thereto, including, but not
8 limited to, a record of every conviction, forfeiture of bail,
9 judgment of acquittal and the amount of fine or forfei-
10 ture resulting from every said complaint or charge de-
11 posited with or presented to said court.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within *is approved* this the *24* day of *April*, 1981.

[Signature]
Governor



RECEIVED

APR 13 11 29 AM '81

OFFICE OF THE GOVERNOR

RECEIVED

81 APR 28 10:33

OFFICE
STATE
SECY. OF STATE