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No: 586

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



# ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 586

(By Mr. Boettner)



PASSED March 12, 1983

In Effect ninety days from Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 586**  
(MR. BOETTNER, original sponsor)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article one-c, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to right to bail; providing that bail may not be granted for certain offenses; and judicial review. *MR. J.*

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

That section one, 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-1. Right to bail; exceptions; review.**

1 (a) A person arrested for an offense not punishable by  
2 life imprisonment shall be admitted to bail by the court or  
3 magistrate. A person arrested for an offense punishable by  
4 life imprisonment may, in the discretion of the court that  
5 will have jurisdiction to try the offense, be admitted to  
6 bail.

7 (b) Bail may be allowed pending appeal from a conviction,  
8 except that bail shall not be granted where the offense  
9 is punishable by life imprisonment or where the  
10 court has determined from the evidence at the trial or upon  
11 a plea of guilty or nolo contendere that the offense was  
12 committed or attempted to be committed with the use,  
13 presentment or brandishing of a firearm or other deadly

14 weapon, or by the use of violence to a person: *Provided,*  
15 That the denial of bail under one of these exceptions may  
16 be reviewed by summary petition to the supreme court  
17 of appeals or any justice thereof, and the petition for bail  
18 may be granted where there is a likelihood that the de-  
19 fendant will prevail upon the appeal. The court or judge  
20 allowing bail pending appeal may at any time revoke the  
21 order admitting the defendant to bail.

22 (c) The amount of bail or the discretionary denial of  
23 bail at any stage of the proceedings may be reviewed by  
24 summary petition first to the lower appellate court, if  
25 any, and thereafter by summary petition to the supreme  
26 court of appeals or any judge thereof.

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

*Samuel E. Estess*  
Chairman Senate Committee

*Donald Anello*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Joel C. Voth*  
Clerk of the Senate

*Donald L. Stopp*  
Clerk of the House of Delegates

*Waverly R. McNew*  
President of the Senate

*W. H. Lee, Jr.*  
Speaker House of Delegates

The within passed this the 29  
day of March, 1983.

*Paul R. Dely*  
Governor

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SECY. OF STATE