WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

Com. Sub. for
HOUSE BILL No. 1252

(By Mr. Del. Hatcher)

Passed March 10, 1984

In Effect Ninety Days From Passage
AN ACT to amend article one-c, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections one-a and seventeen-b, relating to bail and recognizance generally; authorizing the release of certain persons upon their personal recognizance in certain instances; and defining the offense of failure to appear when required to do so and providing for penalties therefor.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1C. BAIL.


1 Any other provision of this article to the contrary notwithstanding, when from all the circumstances, the court or magistrate is of the opinion that the defendant or person arrested will appear as may be required of him, either before or after conviction, such defendant or person arrested may be released upon his own recognizance.
§62-1C-17b. Failure to appear; penalties.

(a) Any person, who, having been released upon his personal recognizance pursuant to section one-a of this article or having been otherwise admitted to bail and released in accordance with this article, and who shall willfully and without just cause fail to appear as and when it may be required of him, shall be guilty of the offense as hereinafter prescribed, and, upon conviction thereof, shall be punished in the manner hereinafter provided.

(b) If any such person was admitted to bail or released after being arrested for, charged or convicted of a felony and shall thereafter be convicted for a violation of the provisions of subsection (a) of this section, such person shall be guilty of a felony and shall be fined not more than five thousand dollars or imprisoned not less than one nor more than five years, or both such fine and imprisonment.

(c) If any such person was admitted to bail or released after being arrested for, charged or convicted of a misdemeanor and shall thereafter be convicted for a violation of the provisions of subsection (a) of this section, such person shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars or confined in the county jail for not more than one year, or both such fine and confinement.

(d) If any such person was admitted to bail or released pending appearance as a material witness and shall thereafter fail to appear when and where it shall have been required of him, such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars or confined in the county jail not more than one year, or both such fine and confinement.

(e) Any penalty authorized by this section shall be in addition to any forfeiture authorized or mandated by this article or by any other provision of law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James P. Davis  
Chairman Senate Committee

Donald Arnet  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Weil  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Warren R. McBroom  
President of the Senate

Speaker House of Delegates

The within is approved this the 30  

day of March, 1984.

[Signature]
Governor