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OFFICE OF THE GOVERNOR

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



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1252
(By DELEGATE 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.

§62-1C-1a. Release upon own recognizance authorized.

1 Any other provision of this article to the contrary notwithstanding,
2 when from all the circumstances, the court or magistrate
3 is of the opinion that the defendant or person arrested
4 will appear as may be required of him, either before or after
5 conviction, such defendant or person arrested may be released
6 upon his own recognizance.

§62-1C-17b. Failure to appear; penalties.

1 (a) Any person, who, having been released upon his per-
2 sonal recognizance pursuant to section one-a of this article
3 or having been otherwise admitted to bail and released in
4 accordance with this article, and who shall willfully and
5 without just cause fail to appear as and when it may be re-
6 quired of him, shall be guilty of the offense as hereinafter
7 prescribed, and, upon conviction thereof, shall be punished
8 in the manner hereinafter provided.

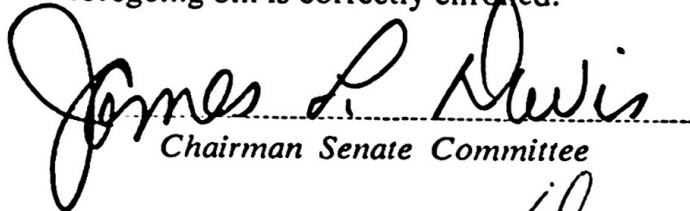
9 (b) If any such person was admitted to bail or released
10 after being arrested for, charged or convicted of a felony
11 and shall thereafter be convicted for a violation of the pro-
12 visions of subsection (a) of this section, such person shall be
13 guilty of a felony and shall be fined not more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

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

23 (d) If any such person was admitted to bail or released
24 pending appearance as a material witness and shall there-
25 after fail to appear when and where it shall have been re-
26 quired of him, such person shall be guilty of a misdemeanor,
27 and, upon conviction thereof, shall be fined not more than
28 one thousand dollars or confined in the county jail not more
29 than one year, or both such fine and confinement.

30 (e) Any penalty authorized by this section shall be in
31 addition to any forfeiture authorized or mandated by this
32 article or by any other provision of law.

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


Chairman Senate Committee

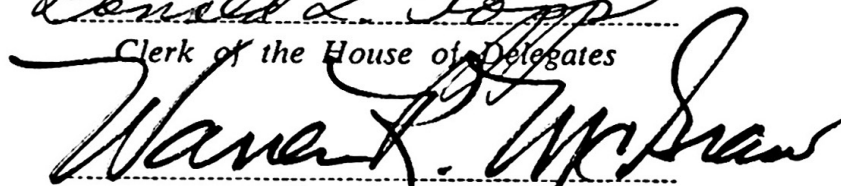

Chairman House Committee


Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 30
day of March, 1984.


Governor

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