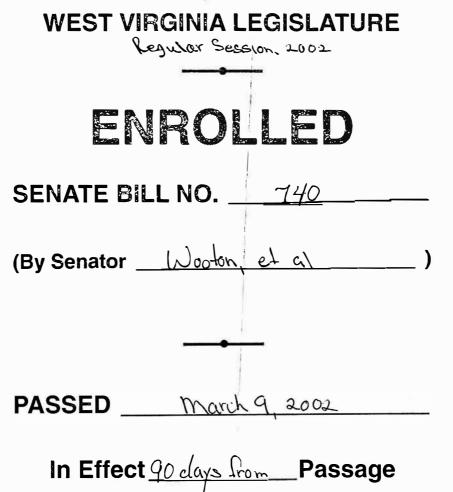
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ENROLLED

Senate Bill No. 740

(By Senators Wooton, Burnette, Caldwell, Fanning, Hunter, Oliverio, Ross, Rowe, Snyder and Deem)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend article four, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section two-a, relating to providing that video arraignments of already incarcerated persons be performed if practicable by a magistrate from the charging jurisdiction; and allowing alternative proceedings before magistrates located in the jurisdiction in which the facility is located or by any magistrate designated to preside by the supreme court of appeals.

Be it enacted by the Legislature of West Virginia:

That article four, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding there to a new section, designated section two-a, to read as follows:

ARTICLE 4. PROCEDURE BEFORE TRIAL.

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Enr. S. B. No. 740]2§50-4-2a. Initial appearance and arraignment by video to be conducted by magistrate court wherein offense is charged; exceptions.

(a) Except as provided by the provisions of subsection (b) 1 2 of this section, whenever a person already detained in a 3 regional jail facility is served with a criminal complaint, 4 the initial appearance or arraignment, if accomplished by the use of a video imaging system, shall to the extent 5 practicable be before a magistrate of the charging jurisdic-6 7 tion. If such is not practicable, a magistrate of the jurisdiction in which the regional jail facility is located may 8 9 preside over the proceeding. (b) An order of the supreme court of appeals authorizing 10

11 a magistrate or magistrates to conduct pretrial proceed-

12 ings by use of video imaging shall supercede the require-

ments set forth in subsection (a) of this section. 13

3 [Enr. S. B. No. 740 The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is covrecily enrolled.

Chairman Senate Committee

Chairman House committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

< Speaker House of Delegates

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