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HB 2118

FILED

2006 MAR 30 A 10: 02

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2118

(By Delegate Azinger)



Passed March 11, 2006

In Effect Ninety Days from Passage

FILED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2118

(BY DELEGATE AZINGER)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §62-1C-12 of the Code of West Virginia, 1931, as amended, relating to forfeiture of bail bond for failure of a defendant to appear in court; providing for reimbursement to the bail bondsman for the amount of the forfeited bond if the bail bondsman later returns the bonded person to the custody of court; and authorizing the Administrator of the West Virginia Supreme Court to oversee bondsmen and audit, review and suspend bondsmen who have insufficient assets.

Be it enacted by the Legislature of West Virginia:

That §62-1C-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1C. BAIL.

§62-1C-12. Same — Exoneration; return of deposit.

1 (a) When the condition of the bond has been satisfied or the
2 forfeiture thereof has been set aside or remitted, the court or
3 magistrate shall exonerate the surety and release any bail and,
4 if the bail be in a form other than a recognizance, the deposit
5 shall be returned to the person who made the same. The surety
6 may be exonerated by a deposit of cash in the amount of the
7 bail or by a timely surrender of the defendant into custody.

8 (b) Notwithstanding any provision of this code to the
9 contrary, when a bail bondsman, as defined in article ten,
10 chapter fifty-one of this code, has a surety bond forfeited
11 because of the failure of a defendant to appear before a court or
12 magistrate, that bail bondsman shall be reimbursed the full
13 amount of the bond forfeiture, be it cash or surety, if the bail
14 bondsman returns the defendant to the custody of the court or
15 magistrate, within two years of the forfeiture of the bond.

16 (c) The Administrator of the West Virginia Supreme Court
17 of Appeals shall, ex officio, be empowered to audit, review and
18 suspend any bail bondsman whose surety on bonds is or
19 becomes insufficient or whose assets are below the amount of
20 bonds he or she has in existence.

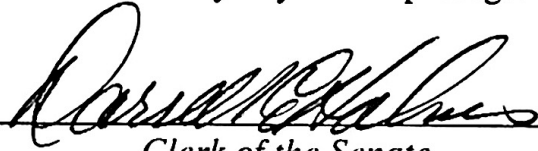
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

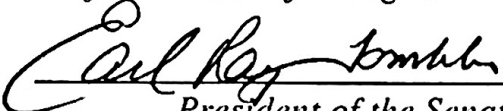

Chairman House Committee

Originating in the House.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 28th
day of March, 2006.


Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2006

Time 11:15 am