

HB 4389

FILED

2008 MAR 27 AM 11:06

OFFICE OF THE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4389**

(By Delegates Webster, Stemple, Hrutkay, Fleischauer,
Lane, Long, Shook, Longstreth, Miley and Ellem)



Passed March 7, 2008

In Effect Ninety Days from Passage

E N R O L L E D

FILED
2008 MAR 27 AM 11:06

COMMITTEE SUBSTITUTE

FOR

WEST VIRGINIA STATE

H. B. 4389

(BY DELEGATES WEBSTER, STEMPLER, HRUTKAY, FLEISCHAUER,
LANE, LONG, SHOOK, LONGSTRETH, MILEY AND ELLEM)

[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact § 17C-19-3 of the Code of West Virginia, 1931, as amended, relating to removing the requirement that resident violators of certain traffic laws be required to sign citations or notices to appear in court as written promises to appear in court as a condition of release from custody.

Be it enacted by the Legislature of West Virginia:

That §17C-19-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. PARTIES, PROCEDURE UPON ARREST AND
REPORTS IN CRIMINAL COURTS.**

**§ 17C-19-3. When person arrested must be taken immediately
before a magistrate or court.**

1 (a) Whenever any person is arrested for any violation of
2 this chapter punishable as a misdemeanor, the arrested person
3 shall be immediately taken before a magistrate or court
4 within the county in which the offense charged is alleged to
5 have been committed and who has jurisdiction of the offense
6 and is nearest or most accessible with reference to the place
7 where the arrest is made, in any of the following cases:

8 (1) When a person arrested demands an immediate
9 appearance before a magistrate or court;

10 (2) When the person is arrested upon a charge of
11 negligent homicide;

12 (3) When the person is arrested upon a charge of driving
13 while under the influence of alcohol, or under the influence
14 of any controlled substance, or under the influence of any
15 other drug, or under the combined influence of alcohol and
16 any controlled substance or any other drug;

17 (4) When the person is arrested upon a charge of failure
18 to stop in the event of an accident causing death, personal
19 injury or damage to property;

20 (5) When the person is arrested upon a charge of
21 violating section fourteen, article seventeen of this chapter
22 relating to weight violations, except as otherwise provided in
23 that section;

24 (6) When the person arrested is a resident of a state that
25 has not entered into a nonresident violator compact with this
26 state;

27 (7) In any other event when the person arrested refuses
28 to accept the written notice to appear in court as his or her
29 promise to appear in court or to comply with the terms of the

30 written notice to appear in court as provided in section four
31 of this article.

32 (b) When the person arrested is a resident of a state that
33 has entered into a nonresident violator compact with this
34 state, the arresting officer shall issue the person a written
35 notice as provided for in section four of this article and may
36 not take the person immediately before a magistrate or court,
37 except under the terms of the compact or under the
38 circumstances set forth in subsection (a) of this section.

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



Chairman Senate Committee



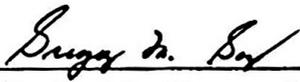
Chairman House Committee

Originating in the House.

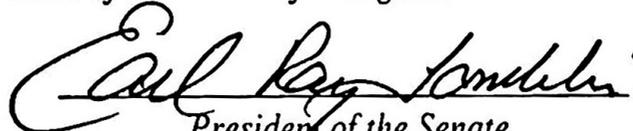
In effect ninety days from passage.



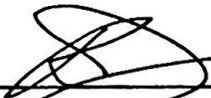
Clerk of the Senate



Clerk of the House of Delegates

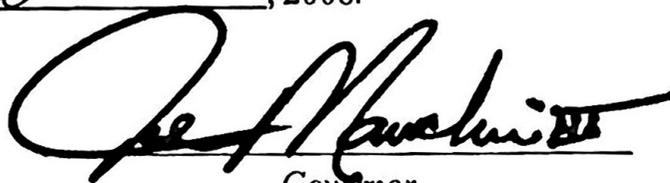


President of the Senate



Speaker of the House of Delegates

The within is approved this the 27th
day of May, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 18 2008

Time 9:30am