1	н. в. 2068
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3	(By Delegate Ellem)
4	[Introduced January 12, 2011; referred to the
5	Committee on the Judiciary.]
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L 0	A BILL to amend and reenact $\$62-1C-17c$ of the Code of West
L1	Virginia, 1931, as amended, relating to conditions of bond for
L2	defendants in cases of crimes between family or household
L3	members generally; and setting forth certain specific
L 4	statutory conditions in lieu of allowing the issuing authority
L 5	to set conditions of bail.
L 6	Be it enacted by the Legislature of West Virginia:
L 7	That §62-1C-17c of the Code of West Virginia, 1931, as
L 8	amended, be amended and reenacted to read as follows:
L 9	ARTICLE 1C. BAIL.
20	§62-1C-17c. Bail in cases of crimes between family or household
21	members.
22	(a) When the offense charged is a crime against a family or
23	household member, it may be a condition of bond that the defendant
24	shall not have any contact whatsoever, direct or indirect, verbal

- 1 or physical, with the victim or complainant may not initiate
- 2 contact with the victim or the complainant, come within one hundred
- 3 feet of the victim or complainant, enter the complainant's
- 4 <u>residence</u>, <u>school</u>, <u>business</u> or <u>place</u> of <u>employment</u>.
- 5 (b) In determining conditions of release, the issuing
- 6 authority shall consider whether the defendant poses a threat or
- 7 danger to the victim or other family or household member. If the
- 8 issuing authority makes such a determination, it shall require as
- 9 a condition of bail that the defendant refrain from entering the
- 10 residence or household of the victim, the victim's school, and the
- 11 victim's place of employment or otherwise contacting the victim
- 12 and/or minor child or household member in any manner whatsoever,
- 13 and shall refrain from having any further contact with the victim.
- 14 A violation of this any condition set out in subsection (a) of this
- 15 section may be punishable by the forfeiture of bail and the
- 16 issuance of a bench warrant for the defendant's arrest or remanding
- 17 the defendant to custody or a modification of the terms of bail.
- 18 (c) The clerk of the court issuing an order pursuant to this
- 19 section shall issue certified copies of the conditions of bail to
- 20 the victim upon request without cost.
- 21 (d) Where a law-enforcement officer observes any violation of
- 22 bail condition, including the presence of the defendant or at the
- 23 home residence of the victim, the officer shall immediately arrest
- 24 the defendant, and detain the defendant pending a hearing for

1 revocation of bail.

NOTE: The purpose of this bill is to provide certain specific statutory conditions of bond in cases involving crimes between family or household members in lieu of allowing the issuing authority to set conditions of bail.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.