

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2020**

4 (By Delegate Ellem)

5  
6 (Originating in the House Committee on the Judiciary)

7  
8 [January 21, 2014]

9  
10 A BILL to amend and reenact §62-1C-17c of the Code of West  
11 Virginia, 1931, as amended, relating to conditions of bond for  
12 defendants in cases of crimes between family or household  
13 members generally; and setting forth certain specific  
14 statutory conditions in lieu of allowing the issuing authority  
15 to set conditions of bail.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §62-1C-17c of the Code of West Virginia, 1931, as  
18 amended, be amended and reenacted to read as follows:

19 **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 complainant, come within one hundred  
3 feet of the victim or complainant, or enter or be in the immediate  
4 environs of the victim's or complainant's residence, school,  
5 business or place of employment.

6 (b) In determining conditions of release, the issuing  
7 authority shall consider whether the defendant poses a threat or  
8 danger to the victim or other family or household member. ~~If the~~  
9 ~~issuing authority makes such a determination, it shall require as~~  
10 ~~a condition of bail that the defendant refrain from entering the~~  
11 ~~residence or household of the victim, the victim's school, and the~~  
12 ~~victim's place of employment or otherwise contacting the victim~~  
13 ~~and/or minor child or household member in any manner whatsoever,~~  
14 ~~and shall refrain from having any further contact with the victim.~~  
15 A violation of ~~this~~ any condition set out in subsection (a) of this  
16 section may be punishable by the forfeiture of bail and the  
17 issuance of a bench warrant for the defendant's arrest or remanding  
18 the defendant to custody or a modification of the terms of bail.

19 (c) The clerk of the court issuing an order pursuant to this  
20 section shall issue certified copies of the conditions of bail to  
21 the victim upon request without cost.

22 (d) Where a law-enforcement officer observes any violation of  
23 bail condition, including the presence of the defendant ~~or~~ at the  
24 ~~home~~ residence of the victim, the officer shall immediately arrest  
25 the defendant, and detain the defendant pending a hearing for

1 revocation of bail.