

1 **Senate Bill No. 462**

2 (By Senator D. Hall)

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4 [Introduced January 31, 2014; referred to the Committee on the

5 Judiciary.]

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10 A BILL to amend and reenact §62-1C-14 of the Code of West Virginia,

11 1931, as amended, relating to bailpiece; and providing that

12 the surety shall be relieved of acting collateral on the

13 case(s) the bailpiece was applied for.

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

15 That §62-1C-14 of the Code of West Virginia, 1931, as amended,

16 be amended and reenacted to read as follows:

17 **ARTICLE 1C. BAIL.**

18 **§62-1C-14. Bailpiece; issuance to surety; taking accused into**

19 **custody.**

20 (a) A bailpiece is a certificate stating that the bail became

21 such for the accused in a particular case and the amount thereof.

22 Upon demand therefor, the court, magistrate or clerk shall issue to

23 the bail bondsperson a bailpiece. Upon securing the bailpiece, the

1 surety shall be relieved of acting collateral on the case(s) the
2 bailpiece was applied for. Any officer having authority to execute
3 a warrant of arrest shall assist the bail bondsperson holding such
4 bailpiece to take the accused into custody and produce him or her
5 before the court or magistrate. The bail bondsperson may take the
6 accused into custody and surrender him or her to the court or
7 magistrate without such bailpiece.

8 (b) If bailpiece is inaccessible due to unavailability of the
9 court's circuit clerk or magistrate, the bail bondsperson, or his
10 or her designee, can take an offender to a regional or county jail
11 without bailpiece, and the jail must accept the offender; provided:

12 (1) The bail bondsperson, or his or her designee, delivering
13 an offender to a jail without a bailpiece issued by the court's
14 circuit clerk or magistrate appears on the registered list
15 maintained at the jails and approved by the court of original
16 jurisdiction;

17 (2) The bail bondsperson signs an agreement provided by the
18 jail indicating that the offender has been booked in lieu of
19 bailpiece. Such agreement shall contain a clause indicating the
20 incarceration of such offender is lawful and that the jail
21 accepting the offender shall be held harmless from any claims of
22 illegal incarceration or other relative charges; thereby, such bail
23 bondsperson assumes the risk and liability of such incarceration;
24 and

1 (3) Bailpiece must be applied for by the bail bondsperson or
2 his or her designee from the court's circuit clerk or magistrate
3 and hand-delivered by the bail bondsperson or his or her designee
4 to the jail housing such offender on the next judicial day
5 following the initial intake.

6 (c) Any bail bondsperson who willfully fails to attempt to
7 obtain the appropriate bailpiece within the allotted time period
8 provided in subsection (b) of this section is guilty of a
9 misdemeanor and, upon conviction thereof, shall be prohibited from
10 continuing to conduct business in this state and shall be fined not
11 more than \$1,000 and confined in the regional or county jail not
12 more than one year.

13 (d) No officer, jailer or other person having authority to
14 accept offenders in a county or regional jail is required to accept
15 such offenders being housed in lieu of bailpiece if such offender
16 appears to be in need of medical attention of a degree
17 necessitating treatment by a physician. If an offender is refused
18 pursuant to the provisions of this section, he or she may not be
19 accepted for detention until the bail bondsperson, or his or her
20 designee, provides the jailer or persons accepting such offender
21 with a written clearance from a licensed physician reflecting that
22 the offender has been examined and, if necessary, treated, and
23 which states that it is the physician's medical opinion that the
24 offender can be safely confined in the county or regional jail.

1 (e) The Regional Jail Authority, the county sheriff, county
2 commission, or any of their agents or employees, shall be immune
3 from liability for any claims of illegal incarceration or other
4 relative charges for any offender accepted into a facility under
5 this section.

NOTE: The purpose of this bill is to provide that upon securing a bailpiece, the surety is relieved of acting collateral on the case or cases the bailpiece was applied for.

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