

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4511

BY DELEGATES SHOTT, HANSHAW, ELLINGTON, HOWELL,

FRICH, ZATEZALO AND ANDERSON

[Introduced February 12, 2018; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §62-1C-1a and §62-1C-3 of the Code of West Virginia, 1931, as
2 amended, all relating to modifying bail requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1C. BAIL.

§62-1C-1a. Release upon own recognizance authorized.

1 (a) Any other provision of this article to the contrary notwithstanding, when from all the
2 circumstances, the court or magistrate is of the opinion that the defendant or person arrested will
3 appear as may be required of him or her, either before or after conviction, such defendant or
4 person arrested may be released upon his or her own recognizance.

5 (b) Except for good cause shown, a court or magistrate shall release a person charged
6 with a misdemeanor offense on his or her own recognizance unless that person is charged with:

7 (1) A misdemeanor offense of actual violence or threat of violence against a person;

8 (2) A misdemeanor offense where the victim was a minor, as defined in §61-8C-1 of this
9 code;

10 (3) A misdemeanor offense involving the use of a deadly weapon, as defined in §61-7-2
11 of this code;

12 (4) A misdemeanor offense of the Uniform Controlled Substances Act set forth in §60A-1-
13 101 et seq. of this code; or

14 (5) A serious misdemeanor driving offense set forth in §17C-5-1 et seq. of this code.

§62-1C-3. Fixing of amount; bail may cover two or more charges.

1 The amount of bail shall be fixed by the court or ~~justice with~~ magistrate and may not
2 exceed the amount prescribed in a schedule prepared by the Supreme Court of Appeals of West
3 Virginia. In the absence of a schedule prepared by the Supreme Court of Appeals of West
4 Virginia, the amount of bail shall be the minimum amount considered reasonable to ensure
5 appearance in accordance with the provisions of this article. Consideration shall be given to the
6 seriousness of the offense charged, the previous criminal record of the defendant, his or her

- 7 financial ability, and the probability of his or her appearance. When two or more charges are filed
8 or are pending against the same person at or about the same time, the bail given may be made
9 to include all offenses charged against the defendant.

NOTE: The purpose of this bill is to modify misdemeanor bail requirements.

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