

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2212

BY DELEGATES FAST, ROWAN AND PORTERFIELD

[Introduced January 10, 2019; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §51-10A-7, relating to requiring a bail bondsman and bail bond enforcer submit
 3 results of drug test to Chief Judge in each jurisdiction; requiring that bail bondsman and
 4 bail bond enforcers be subject to random drug testing; creating penalty of suspension or
 5 termination for failure of, or refusal to submit to, drug test; establishing that drug test
 6 records be public.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10A. BAIL BOND ENFORCERS.

§51-10A-7. Mandatory drug testing.

1 (a) Every bail bondsman and bail bond enforcer shall submit to the chief judge in each
 2 jurisdiction, that he or she engages for profit in furnishing criminal bail or making bonds to assure
 3 the appearance persons charged with criminal violations, the results of a drug test administered
 4 from a reputable firm, that administers such tests and services. The bail bondsman and bail bond
 5 enforcer shall bear all expenses incurred related to this undertaking. Failure of the tests of any
 6 illegal substances shall result in an automatic revocation for that person of bonding privileges in
 7 the State of West Virginia.

8 (b) Bail bondsman or bail bond enforcers are subject to random drug tests by any
 9 municipal court, magistrate court, or circuit court judge as well as the prosecutor and/or his or her
 10 assistants in any county or jurisdiction described in subsection (a) of this section.

11 (c) Any bail bondsman or bail bond enforcer that willfully fails to submit to the appropriate
 12 court the results of any drug tests or refuses to take a drug test, shall be automatically suspended
 13 and/or terminated as a bail bondsman or bail bond enforcer in West Virginia as the court
 14 determines fit.

15 (d) The results of these mandatory drug tests shall be of public record and made available
 16 to any person requesting to review the results of the test.

NOTE: The purpose of this bill is to requiring bail bondsman and bail bond enforcers to submit results of drug test to Chief Judge in each jurisdiction; requiring bail bondsman be subject to random drug testing; creating penalty of suspension or termination for failure of, or refusal to submit to, drug test; establishing that drug test records be public.

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