WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3181

By Delegate Walker

[Introduced January 31, 2023; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §62-1-2 of the Code of West Virginia, 1931, as amended, relating to dismissing a warrant or capias for arrest when charges against a person are dismissed.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PRELIMINARY PROCEDURE.

§62-1-2. Warrant -- Issuance.

(a) If it appears from the complaint that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue to any officer authorized by law to arrest persons charged with offenses against the state. More than one warrant may issue on the same complaint.

(b) Notwithstanding any other provision of law to the contrary, in a criminal proceeding where a warrant or capias writ ordering an arrest is issued and the charges, against a person who is the subject of the arrest warrant or capias, are dismissed, and there are no other criminal charges pending against that person, then the warrant or capias shall be dismissed.

NOTE: The purpose of this bill is to dismiss a warrant or capias for arrest when charges against a person are dismissed.

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