

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2419

BY DELEGATE SHOTT, HOUSEHOLDER AND

PORTERFIELD

[Introduced January 15, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §62-1C-1a of the Code of West Virginia, 1931, as amended, relating
 2 to the authorization to release a defendant or a person arrested upon his or her own
 3 recognizance; requires a court or magistrate to release a person charged with certain
 4 misdemeanor offenses on his or her own recognizance except for good cause shown; and
 5 sets forth exceptions when a person may not be released on his or her own recognizance.

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.

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

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

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

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

8 (4) A misdemeanor offense of the Uniform Controlled Substances Act set forth in chapter
 9 60A of this code; or

10 (5) A serious misdemeanor traffic offense set forth in §17C-5-1 and §17C-5-2 of this code.

NOTE: The purpose of this bill is to modify misdemeanor bail requirements. The bill requires a court or magistrate to release a person charged with certain misdemeanor offenses on his or her own recognizance except for good cause shown. The bill also sets forth exceptions when a person may not be released on his or her own recognizance.

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