

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4996

By Delegates Martin, Burkhammer, Phillips, Hornby,
Funkhouser, Mallow, Butler, Ridenour, Zatezalo,
Anderson, and McGeehan

[Originating in the Committee on the Judiciary;

Reported on February 10, 2026]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §62-1C-17d, relating to bail in cases involving terroristic threats to schools or
3 children; establishing mandatory conditions of bail prohibiting residence within 1,000 feet
4 of educational facilities; providing for measurement; providing for enforcement of
5 violations; and providing the manner of distribution by the clerk of the court of the court
6 ordered conditions of bail.

Be it enacted by the Legislature of West Virginia:

ARTICLE

1C.

BAIL.

§62-1C-17d. Bail in cases involving terroristic threats to schools or children.

1 (a) When the offense charged is a violation of §61-6-24(b) of this code, and the threat
2 involved any licensed day care facility, child care center as defined in §49-1-206 of this code,
3 preschool or early childhood education program as defined in §18-5-44 of this code, public school
4 as defined in §18-1-1 of this code, public charter school as defined in §18-5G-2 of this code, non-
5 public school as provided in §18-8-1 of this code, or an institution of higher education as defined in
6 §21A-1A-21 of this code, it shall be a condition of bail or pretrial release that the defendant shall
7 not reside within 1,000 feet of the boundary of any licensed day care facility, child care center as
8 defined in §49-1-206 of this code, preschool or early childhood education program as defined in
9 §18-5-44 of this code, public school as defined in §18-1-1 of this code, public charter school as
10 defined in §18-5G-2 of this code, non-public school as provided in §18-8-1 of this code, or an
11 institution of higher education as defined in §21A-1A-21 of this code, that was the subject of the
12 alleged threat.

13 (b) The court shall impose additional conditions of bail, including, but not limited to:

14 (1) No contact, direct or indirect, with any student, school employee, or any other person
15 directly associated with or employed by the threatened licensed day care facility, child care center
16 as defined in §49-1-206 of this code, preschool or early childhood education program as defined in
17 §18-5-44 of this code, public school as defined in §18-1-1 of this code, public charter school as

18 defined in §18-5G-2 of this code, non-public school as provided in §18-8-1 of this code, or an
19 institution of higher education as defined in §21A-1A-21 of this code, including prohibiting the
20 defendant from approaching within 1,000 feet of the facility;

21 (2) GPS monitoring of the defendant;

22 (3) Home incarceration at a residence located outside the 1,000 foot proximity restriction
23 contained in subsection (a) of this section, provided the defendant is eligible for home
24 incarceration pursuant to the provisions of §62-11B-1 et seq. of this code; or

25 (c) The 1,000 foot proximity restriction provided in subsection (a) of this section shall be
26 measured using reliable methods, including geographic information systems (GIS), property
27 records, or surveying data available to the court.

28 (d) The clerk of the court that entered the order of the conditions of bail, pursuant to this
29 section, shall provide certified copies of the conditions of bail to any victim, school official, or any
30 other person employed or directly related to the threatened licensed day care facility, child care
31 center as defined in §49-1-206 of this code, preschool or early childhood education program as
32 defined in §18-5-44 of this code, public school as defined in §18-1-1 of this code, public charter
33 school as defined in §18-5G-2 of this code, non-public school as provided in §18-8-1 of this code,
34 or an institution of higher education as defined in §21A-1A-21 of this code, without cost.