

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 4609**

By Delegate Hornby

[Introduced January 20, 2026; referred to the

Committee on the Judiciary]

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; and allowing magistrates under certain  
3 circumstances to order mental evaluations.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE**

**1C.**

**BAIL.**

**§62-1C-17d. Mental health evaluation prior to setting bail; purpose; report.**

1 Prior to setting bail, a magistrate or judge may order a defendant charged with §48-27-903  
2 (violation of protective order); or §53-8-11 (violation of personal safety order); or §61-6-24 (threats  
3 of terroristic acts) to undergo a mental health evaluation performed by a mental health provider  
4 licensed by the state. The purpose of this evaluation is to determine if the defendant needs mental  
5 health treatment or counseling as a condition of bond. The evaluation must be scheduled within 10  
6 days of the order's issuance. Once the evaluation is completed, the examiner must, within 48  
7 hours, issue a report to the magistrate. A magistrate or judge shall hold a bond hearing within five  
8 days of receiving the report.

NOTE: The purpose of this bill is to allow magistrates, under certain circumstances, to order mental evaluations.

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