

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4996

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

[Introduced January 30, 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 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; and providing for enforcement of
5 violations.

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 (threats of terrorist
2 acts), and the threat involved an educational facility, students, or children at a school, preschool,
3 daycare center, or similar location, it shall be a condition of bail or pretrial release that the
4 defendant shall not reside within 1,000 feet of the property line of any public or private school,
5 preschool, daycare center, or other educational facility where children are regularly present that
6 was the subject of the alleged threat or any other such facility.

7 (b) The court shall impose additional conditions of bail as necessary to protect students,
8 school personnel, or the community, including, but not limited to:

9 (1) No contact, direct or indirect, with any student, school employee, or person associated
10 with the threatened facility;

11 (2) Exclusion zones via GPS monitoring prohibiting the defendant from approaching within
12 1,000 feet of the facility;

13 (3) Home incarceration only at a compliant residence outside the restricted zone, if
14 otherwise eligible under §62-11B-1 et seq. of this code; or

15 (4) Other safeguards to mitigate risk posed by proximity.

16 (c) Proximity under subsections (a) and (b) shall be measured using reliable methods,
17 including geographic information systems (GIS), property records, or surveying data available to
18 the court.

19 (d) A violation of any condition imposed under this section, including residence or
20 presence within the prohibited distance or at a restricted residence, shall be punishable by
21 immediate arrest by any law-enforcement officer observing the violation, forfeiture of bail,
22 issuance of a bench warrant, remanding to custody, or modification/revocation of bail terms.

23 (e) The clerk of the court issuing an order under this section shall provide certified copies of
24 the conditions of bail to the victim(s), school officials (if applicable), or any requesting party without
25 cost.

NOTE: The purpose of this bill is to creating mandatory bail conditions for individuals charged with making terrorist threats against a school, or a similar location.

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