

FILED

2001 MAY -2 P 7:39

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 191

(By Senator Hunter, et al **)**

PASSED April 14, 2001

In Effect 90 days from **Passage**

FILED

2001 MAY -2 P 7:40

OFFICE WEST VIRGINIA
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ENROLLED

Senate Bill No. 191

(BY SENATORS HUNTER, FANNING, MINARD, MITCHELL,
OLIVERIO, REDD, FACEMYER, MCKENZIE AND KESSLER)

[Passed April 14, 2001; to take effect ninety days from passage.]

AN ACT to amend and reenact section seven, article one-c, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to forfeiture of criminal bail bonds; basis for forfeiture; and limitations on basis for forfeiture.

Be it enacted by the Legislature of West Virginia:

That section seven, article one-c, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to read as follows:

ARTICLE 1C. BAIL.

§62-1C-7. Forfeiture of bail; basis therefor.

- 1 (1) Whenever a person under bail serves as his or her
- 2 own surety and he or she willfully and without just cause
- 3 fails to appear as and when required or violates any other

4 term or condition of bail, the circuit court or magistrate
5 shall declare the bail forfeited.

6 (2) Whenever a person or entity other than the person
7 under bail serves as surety, forfeiture of bail shall be
8 declared only when the person under bail willfully and
9 without just cause fails to appear as and when required
10 unless the surety, by the express terms of the bail instru-
11 ment, has agreed to be responsible to ensure compliance
12 with one or more other conditions of bail and there is a
13 willful violation of such condition.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carly Fiori
.....
Chairman Senate Committee

Tommy Thompson
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Dan Claitor
.....
Clerk of the Senate

Bryan Bur
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 2nd
Day of May, 2001.
Bob Wise
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 11:25 am