

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4443

BY DELEGATES FAST, ROWAN, BUTLER, MARTIN AND

KESSINGER

[Introduced February 6, 2018; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §51-10A-7, relating to requiring a bail bondsman and bail bond enforcer submit
3 results of drug test to Chief Judge in each jurisdiction; requiring bail bondsman and bail
4 bond enforcer be subject to random drug testing; creating penalty of suspension or
5 termination for failure of, or refusal to submit to, drug test; establishing that drug test
6 records be public.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10A. BAIL BOND ENFORCERS.

§51-10A-7. Mandatory drug testing.

1 (a) Every bail bondsman shall submit to the chief judge in each jurisdiction that he or she
2 engages for profit in furnishing criminal bail or making bonds to assure the appearance persons
3 charged with criminal violations, the results of a drug test administered from a reputable firm, that
4 administers such tests and services. Every bail bond enforcer shall submit to the chief judge in
5 each jurisdiction in which he or she engages in duties on behalf of a bail bondsman, the results
6 of a drug test administered from a reputable firm, that administers such tests and services. The
7 bail bondsman and bail bond enforcer will incur all expenses related to this undertaking. Failure
8 of such tests of any illegal substances will result in an automatic revocation for that person of
9 bonding privileges in the State of West Virginia.

10 (b) Any bail bondsman or bail bond enforcer shall be subject to random drug tests by any
11 municipal court, magistrate court, or circuit court judge as well as the prosecutor and/or his or her
12 assistants in any county or jurisdiction described in subsection (a) of this section.

13 (c) Any bail bondsman or bail bond enforcer that willfully fails to submit to the appropriate
14 court the results of any drug tests or refuses to take a drug test, will, for that person, be
15 automatically suspended and/or terminated as a bail bondsman or bail bond enforcer in West
16 Virginia as the court deems fit.

17 (d) The results of these mandatory drug tests shall be of public record and made available

18 to any person requesting to review the results of said test.

NOTE: The purpose of this bill is to requiring bail bondsman and bail bond enforcers to submit results of drug test to Chief Judge in each jurisdiction; requiring bail bondsman be subject to random drug testing; creating penalty of suspension or termination for failure of, or refusal to submit to, drug test; establishing that drug test records be public.

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