

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **House Bill 3181**

By Delegate Walker

[Introduced January 31, 2023; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §62-1-2 of the Code of West Virginia, 1931, as amended, relating to  
2 dismissing a warrant or capias for arrest when charges against a person are dismissed.

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

**ARTICLE 1. PRELIMINARY PROCEDURE.**

**§62-1-2. Warrant -- Issuance.**

1 (a) If it appears from the complaint that there is probable cause to believe that an offense  
2 has been committed and that the defendant has committed it, a warrant for the arrest of the  
3 defendant shall issue to any officer authorized by law to arrest persons charged with offenses  
4 against the state. More than one warrant may issue on the same complaint.

1 (b) Notwithstanding any other provision of law to the contrary, in a criminal proceeding  
2 where a warrant or capias writ ordering an arrest is issued and the charges, against a person who  
3 is the subject of the arrest warrant or capias, are dismissed, and there are no other criminal  
4 charges pending against that person, then the warrant or capias shall be dismissed.

NOTE: The purpose of this bill is to dismiss a warrant or capias for arrest when charges against a person are dismissed.

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