WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2433

By Delegates Hornby, Willis, Crouse, Chiarelli, Heckert, and Maynor

[Introduced February 17, 2025; referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section, designated §62-1C-17d, relating to allowing magistrates under certain circumstances to be able to order a mental evaluation.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1C. BAIL.

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

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

NOTE: The purpose of this bill is to allow magistrates under certain circumstances to be able to order a mental evaluation.

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