

# **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]

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 allowing magistrates under certain circumstances to be  
3 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.**

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