

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **House Bill 2536**

By Delegates Brooks, Green, Foggin, Pritt, Masters,  
Kump, and Mazzocchi

[Introduced February 18, 2025; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §62-1C-1 of the Code of West Virginia, 1931, as amended; relating  
2 to requiring cash bail for gun-related criminal offenses; and providing for consecutive  
3 sentencing for crimes committed while on bail for gun-related criminal offenses.

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

**ARTICLE****1C.****BAIL.****§62-1C-1. Right to bail; exceptions; review.**

1 (a) A person arrested for an offense not punishable by life imprisonment shall be admitted  
2 to bail by the court or magistrate. A person arrested for an offense punishable by life imprisonment  
3 may, in the discretion of the court that will have jurisdiction to try the offense, be admitted to bail.

4 (b) Bail may be allowed pending appeal from a conviction, except that bail shall not be  
5 granted where the offense is punishable by life imprisonment or where the court has determined  
6 from the evidence at the trial or upon a plea of guilty or nolo contendere that the offense was  
7 committed or attempted to be committed with the use, presentment or brandishing of a firearm or  
8 other deadly weapon, or by the use of violence to a person: *Provided*, That the denial of bail under  
9 one of these exceptions may be reviewed by summary petition to the Supreme Court of Appeals or  
10 any justice thereof, and the petition for bail may be granted where there is a likelihood that the  
11 defendant will prevail upon the appeal. The court or judge allowing bail pending appeal may at any  
12 time revoke the order admitting the defendant to bail.

13 (c) The amount of bail or the discretionary denial of bail at any stage of the proceedings  
14 may be reviewed by summary petition first to the lower appellate court, if any, and thereafter by  
15 summary petition to the Supreme Court of Appeals or any judge thereof.

16 (d) For a person on bail for a violent or gun-related crime, who is rearrested for another  
17 violent or gun-related crime, a full cash bail is required and may be provided by a professional bail  
18 bondsman.

19 (e) For a second arrest for a violent or gun-related crime while on bail, a full cash bail is  
20 required and may only be paid by the defendant. If the person is found guilty of these crimes, the

21 sentence for each crime shall run consecutively.

NOTE: The purpose of this bill is to requiring cash bail for gun-related criminal offenses; and providing for consecutive sentencing for crimes committed while on bail for gun-related criminal offenses.

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