

H. B. 2020

(By Delegate Ellem)

[Introduced February 13, 2013; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §62-1C-17c of the Code of West Virginia, 1931, as amended, relating to conditions of bond for defendants in cases of crimes between family or household members generally; and setting forth certain specific statutory conditions in lieu of allowing the issuing authority to set conditions of bail.

Be it enacted by the Legislature of West Virginia:

That §62-1C-17c of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1C. BAIL.

§62-1C-17c. Bail in cases of crimes between family or household members.

(a) When the offense charged is a crime against a family or household member, it may be a condition of bond that the defendant ~~shall not have any contact whatsoever, direct or indirect, verbal or physical, with the victim or complainant~~ may not initiate contact with the victim or complainant, come within one hundred feet of the victim or complainant, or enter the victim or complainant's residence, school, business or place of employment.

(b) In determining conditions of release, the issuing authority shall consider whether the defendant poses a threat or danger to the victim or other family or household member. ~~If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant refrain from entering the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim and/or minor child or household member in any manner whatsoever, and shall refrain from having any further contact with the victim.~~ A violation of this any condition set out in subsection (a) of this section may be punishable by the forfeiture of bail and the issuance of a bench warrant for the defendant's arrest or remanding the defendant to custody or a modification of the terms of bail.

(c) The clerk of the court issuing an order pursuant to this section shall issue certified copies of the conditions of bail to the victim upon request without cost.

(d) Where a law-enforcement officer observes any violation of bail condition, including the presence of the defendant or at the ~~home~~ residence of the victim, the officer shall immediately arrest the defendant, and detain the defendant pending a hearing for revocation of bail.

NOTE: The purpose of this bill is to provide certain specific statutory conditions of bond in cases involving crimes between family or household members in lieu of allowing the issuing authority to set conditions of bail.

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