

# Understanding Bail in Magistrate Court



## What is Bail?

Pursuant to W. Va. Code, § 62-1C-2, Bail is security for the appearance of a defendant to answer to a specific criminal charge before any court or magistrate at a specific time or at any time to which the case may be continued.

## Who is entitled to Bail?

Pursuant to W. Va. Code, § 62-1C-1(a), A person arrested for an offense not punishable by life imprisonment shall be admitted to bail by the court or magistrate. A person arrested for an offense punishable by life imprisonment may, in the discretion of the court that will have jurisdiction to try the offense (i.e. circuit court), be admitted to bail.

IN THE MAGISTRATE COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA  
 Out-of-County Warrant:  
State of West Virginia \_\_\_\_\_ Case No.: \_\_\_\_\_  
v. \_\_\_\_\_  
Defendant (Full Name) \_\_\_\_\_ XXX-XX-\_\_\_\_\_  
Social Security Number Date of Birth  
Address \_\_\_\_\_ Driver's License / Identification Number  
City, State, & Zip Code \_\_\_\_\_ Phone Number(s) \_\_\_\_\_

**CRIMINAL BAIL AGREEMENT: CASH OR RECOGNIZANCE**  
*WV Code: Cash Bond [§ 62-1C-12], P.R. [§ 62-1C-1a and 4], 10% Cash Bond [Trial Ct. Rule 31.01], Surety Company [§ 62-1C-4]*  
A. AMOUNT OF BAIL: The defendant having been charged with the  Misdemeanor  Felony Offense of \_\_\_\_\_  
and having a right to bail, this Court hereby sets bail for the defendant as follows:  
\_\_\_\_\_  
B. If real property is used as security, a justification of surety  IS or  IS NOT required.  
**TERMS AND CONDITIONS FOR RELEASE ON BAIL**  
If admitted to bail, the defendant understands and agrees to \_\_\_\_\_

## What types of Bail may be ordered?

### Cash Bonds

The deposit by the defendant or by some other person for the defendant of cash.

Payment may also include cashier's checks and money orders.

### Personal Recognizance

The bond is set for a monetary amount, but no money is actually collected for the bond unless the person does not show as required or breaches another condition of the bail.

### Property/ Surety Bonds

Property/Surety bond requires someone other than the defendant to pledge property to ensure the defendant will appear as required.

### 10% Bonds

10% of the total amount of bond is collected in cash and the other 90% is set as a Property/Surety or Personal Recognizance bond also known as a PR bond.

