

HB 4313 S

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4313

(By Delegates Brown, Amores, Howard and Longstreth)



Passed March 10, 2006

In Effect Ninety Days from Passage

FILED

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E N R O L L E D

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FOR

H. B. 4313

(BY DELEGATES BROWN, AMORES, HOWARD AND LONGSTRETH)

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §48-27-510 of the Code of West Virginia, 1931, as amended, relating to petitions of appeal of domestic violence protective orders.

Be it enacted by the Legislature of West Virginia:

That §48-27-510 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

§48-27-510. Appeals.

- 1 (a) A petitioner who has been denied an emergency
- 2 protective order may file a petition for appeal of the denial,
- 3 within five days of the denial, to the family court.

4 (b) Any party who alleges that he or she will be adversely
5 affected or aggrieved by a final protective order, or the denial
6 or dismissal of a petition for a protective order, may file a
7 petition for appeal with the circuit court within ten days of the
8 entry of the order by the family court. The order shall remain in
9 effect pending an appeal unless stayed by order of the family
10 court sua sponte or upon motion of a party, or by order of the
11 circuit court upon motion of a party. No bond shall be required
12 for any appeal under this section.

13 (c) A petition for appeal filed pursuant to this section shall
14 be heard by the court within ten days from the filing of the
15 petition.

16 (d) The standard of review of findings of fact made by the
17 family court is clearly erroneous and the standard of review of
18 application of the law to the facts is an abuse of discretion
19 standard.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy White
Chairman Senate Committee

R. Berry
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell E. Eason
Clerk of the Senate

Bruce D. Sawyer
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

Robert S. Taylor
Speaker of the House of Delegates

The within is approved this the 4th
day of April, 2006.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2006

Time 3:50 