

SB 139

FILED

2007 FEB 20 PM 4:56

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 139**

(BY SENATORS KESSLER, FOSTER, GREEN, JENKINS,  
MINARD, STOLLINGS, WELLS, WHITE, BARNES,  
CARUTH, DEEM, HALL, MCKENZIE AND YODER)

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[Passed February 8, 2007; in effect ninety days from passage.]

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(BY SENATORS KESSLER, FOSTER, GREEN, JENKINS,  
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[Passed February 8, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §48-25-101 and §48-25-103 of the Code of West Virginia, 1931, as amended, all relating to petition for change of name; contents thereof; and when courts may or may not order change of name.

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

That §48-25-101 and §48-25-103 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

### ARTICLE 25. CHANGE OF NAME.

#### §48-25-101. Petition to circuit court or family court for change of name; contents thereof; notice of application.

- 1 (a) Any person desiring a change of his or her own
- 2 name, or that of his or her child, may apply to the
- 3 circuit court or family court of the county in which he
- 4 or she resides by a verified petition setting forth and
- 5 affirming the following:

6 (1) That he or she has been a bona fide resident of the  
7 county for at least one year prior to the filing of the  
8 petition or that he or she is a nonresident of the county  
9 who was born in the county, was married in the county  
10 and was previously a resident of the county for a period  
11 of at least fifteen years;

12 (2) The cause for which the change of name is sought;

13 (3) The new name desired;

14 (4) The name change is not for purposes of avoiding  
15 debt or creditors;

16 (5) The petitioner seeking the name change is not a  
17 registered sex offender pursuant to any state or federal  
18 law;

19 (6) The name change sought is not for purposes of  
20 avoiding any state or federal law regarding identity;

21 (7) The name change sought is not for any improper or  
22 illegal purpose;

23 (8) The petitioner is not a convicted felon in any  
24 jurisdiction; and

25 (9) The name change sought is not for any purpose of  
26 evading detection, identification or arrest by any local,  
27 state or federal law-enforcement agency.

28 (b) Prior to filing the petition, the person shall cause  
29 a notice of the time and place that the application will  
30 be made to be published as a Class I legal advertisement  
31 in compliance with the provisions of article three,  
32 chapter fifty-nine of this code. The publication area for  
33 the publication is the county: *Provided*, That the  
34 publication shall contain a provision that the hearing  
35 may be rescheduled without further notice or  
36 publication.

**§48-25-103. When court may or may not order change of name.**

1 (a) Upon the filing of the verified petition, and upon  
2 proof of the publication of the notice and of the matters  
3 set forth in the petition, and being satisfied that no

4 injury will be done to any person by reason of the  
5 change, and upon a finding that all representations the  
6 applicant has affirmed pursuant to subsection (a),  
7 section one hundred one of this article are true and the  
8 applicant is not prohibited from obtaining a name  
9 change pursuant to this article, that reasonable and  
10 proper cause exists for changing the name of petitioner  
11 and that the change is not desired because of any  
12 fraudulent or evil intent on the part of the petitioner,  
13 the court or judge may order a change of name.

14 (b) The court may not grant any change of name for  
15 any person convicted of any felony during the time that  
16 the person is incarcerated.

17 (c) The court may not grant any change of name for  
18 any person required to register with the State Police  
19 pursuant to the provisions of article twelve, chapter  
20 fifteen of this code during the period that the person is  
21 required to register.

22 (d) The court may not grant a change of name for  
23 persons convicted of first degree murder in violation of  
24 section one, article two, chapter sixty-one of this code  
25 for a period of ten years after the person is discharged  
26 from imprisonment or is discharged from parole,  
27 whichever occurs later.

28 (e) The court may not grant a change of name of any  
29 person convicted of violating any provision of section  
30 fourteen-a, article two, chapter sixty-one of this code  
31 for a period of ten years after the person is discharged  
32 from imprisonment or is discharged from parole,  
33 whichever occurs later.

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

*Clay White*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*David E. Schaub*  
.....  
Clerk of the Senate

*Gregg W. Sawyer*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *20<sup>th</sup>* Day of *February* ....., 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

FEB 16 2007

Time 9:30am