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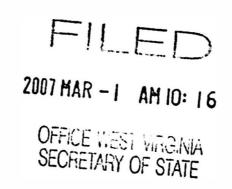
WEST VIRGINIA LEGISLATURE SEVENTY-EIGHTH LEGISLATURE REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 205

(By Senators Kessler, Oliverio, Chafin, Foster, Green, Hunter, Jenkins, Minard, Stollings, Wells, White, Barnes, Caruth, Deem, Hall, McKenzie and Yoder)

[Passed February 13, 2007; in effect ninety days from passage.]



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[Passed February 13, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §48-27-902 and §48-27-903 of the Code of West Virginia, 1931, as amended, all relating to clarifying that continuing to threaten or harass a petitioner, by whatever means, is a violation of a domestic violence protective order.

Be it enacted by the Legislature of West Virginia:

That §48-27-902 and §48-27-903 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

§48-27-902. Violations of protective orders; criminal complaints.

- 1 (a) When a respondent abuses the petitioner or minor
- 2 children, or both, or is physically present at any
- 3 location, or continues to contact, threaten or harass the
- 4 petitioner, the minor children, or both, by phone, voice
- 5 mail, e-mail or other means, even if the respondent is
- 6 not physically present with the petitioner or minor
- 7 children at the time of the threats or harassment:
- 8 (1) In knowing and willful violation of the terms of an
- 9 emergency or final protective order under the provisions
- 10 of this article or section five hundred nine or six
- 11 hundred eight, article five of this chapter granting the
- relief pursuant to the provisions of this article;
- 13 (2) In knowing and willful violation of the terms of a
- 14 protection order from another jurisdiction that is
- 15 required to be enforced pursuant to section three,
- 16 article twenty-eight of this chapter; or
- 17 (3) In knowing and willful violation of the terms of a
- 18 condition of bail, probation or parole imposed in
- another state which has the express intent or effect of
- 20 protecting the personal safety of a particular person or
- 21 persons in violation of subdivision (3), subsection (a),
- section seven, article twenty-eight of this chapter, then
- 23 any person authorized to file a petition pursuant to the
- 24 provisions of section three hundred five of this article or
- 25 the legal guardian or guardian ad litem may file a
- 26 petition for civil contempt as set forth in section nine
- 27 hundred one of this article.

- 28 (b) When any such violation of a valid order has
- 29 occurred, the petitioner may file a criminal complaint.
- 30 If the court finds probable cause upon the complaint,
- 31 the court shall issue a warrant for arrest of the person
- 32 charged.

§48-27-903. Misdemeanor offenses for violation of protective order, repeat offenses, penalties.

- 1 (a) A respondent who abuses the petitioner or minor
- 2 children or who is physically present at any location, or
- 3 continues to contact, threaten or harass the petitioner,
- 4 the minor children, or both, by phone, voice mail, e-mail
- 5 or other means, even if the respondent is not physically
- 6 present with the petitioner or minor children at the time
- 7 of the threats or harassment in knowing and willful
- 8 violation of the terms of: (1) An emergency or final
- 9 protective order issued under the provisions of this
- 10 article or section five hundred nine or six hundred
- 11 eight, article five of this chapter granting relief
- 12 pursuant to the provisions of this article; or (2) a
- 13 condition of bail, probation or parole which has the
- 14 express intent or effect of protecting the personal safety
- 15 of a particular person or persons is guilty of a
- 16 misdemeanor and, upon conviction thereof, shall be
- 17 confined in the county or regional jail for a period of
- 18 not less than one day nor more than one year, which jail
- 19 term shall include actual confinement of not less than
- 20 twenty-four hours, and shall be fined not less than two
- 21 hundred fifty dollars nor more than two thousand
- 22 dollars.
- 23 (b) A respondent who is convicted of a second or
- 24 subsequent offense under subsection (a) of this section
- 25 is guilty of a misdemeanor and, upon conviction thereof,
- shall be confined in the county or regional jail for not

- 27 less than three months nor more than one year, which
- 28 jail term shall include actual confinement of not less
- 29 than twenty-four hours, and fined not less than five
- 30 hundred dollars nor more than three thousand dollars,
- 31 or both.

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

Chairman Serate Committee Thairman House Committee Originated in the Senate. In effect ninety days from passage. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The within 12 appeared the .ZII Day of Jellewar this 2007.

Governor

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