

1 **H. B. 2433**

2  
3 (By Delegates Cowles, C. Miller, Stowers,  
4 Mahan, Hatfield, Hall and Sobonya)

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6 [Introduced January 12, 2011; referred to the  
7 Committee on the Judiciary.]

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10 A BILL to amend and reenact §49-7-26 of the Code of West Virginia,  
11 1931, as amended, relating to duties of prosecuting attorneys.

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

13 That §49-7-26 of the Code of West Virginia, 1931, as amended,  
14 be amended and reenacted to read as follows:

15 **ARTICLE 7. GENERAL PROVISIONS.**

16 **§49-7-26. Duty of prosecuting attorney.**

17 The prosecuting attorney shall render to the State Department  
18 of ~~welfare~~ Health and Human Resources, without additional  
19 compensation, such legal services as the department may require.

20 This section shall not be construed to prohibit the department from  
21 developing plans for cooperation with courts, prosecuting  
22 attorneys, and other law-enforcement officials in such a manner as  
23 to permit the state and its citizens to obtain maximum fiscal  
24 benefits under federal laws, rules and regulations. The prosecuting  
25 attorney shall maintain all individual authority and responsibility

1 enjoyed by every other attorney-client relationship. Prosecuting  
2 attorneys have the right and responsibility to represent the  
3 public interest in protecting abused and neglected children when  
4 their position conflicts with that of the department.

NOTE: The purpose of this bill is to add language to West Virginia Code to provide guidance for prosecuting attorneys in cases involving abused and neglected children.

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