

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

House Bill No. 4522

(By Delegates Poore, Hunt, Sobonya,
Guthrie, Ireland, Lawrence, Michael,
Miley, White, Frazier and Skaff)



Passed March 10, 2012

To Take Effect July 1, 2012

ENROLLED

H. B. 4522

(BY DELEGATES POORE, HUNT, SOBONYA,
GUTHRIE, IRELAND, LAWRENCE, MICHAEL,
MILEY, WHITE, FRAZIER AND SKAFF)

[Passed March 10, 2012; to take effect July 1, 2012.]

AN ACT to amend and reenact §51-2A-9 of the Code of West Virginia, 1931, as amended, relating to providing additional contempt powers for family court judges in civil contempt cases; and providing for alternatives to incarceration until the person has purged himself or herself of the contempt.

Be it enacted by the Legislature of West Virginia:

That §51-2A-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. FAMILY COURTS.

§51-2A-9. Contempt powers of family court judge.

1 (a) In addition to the powers of contempt established in
2 chapter forty-eight of this code, a family court judge may:

3 (1) Sanction persons through civil contempt proceedings
4 when necessary to preserve and enforce the rights of private
5 parties or to administer remedies granted by the court;

6 (2) Regulate all proceedings in a hearing before the
7 family court judge; and

8 (3) Punish direct contempts that are committed in the
9 presence of the court or that obstruct, disrupt or corrupt the
10 proceedings of the court.

11 (b) A family court judge may enforce compliance with
12 his or her lawful orders with remedial or coercive sanctions
13 designed to compensate a complainant for losses sustained
14 and to coerce obedience for the benefit of the complainant.
15 Sanctions must give the contemnor an opportunity to purge
16 himself or herself. In selecting sanctions, the court must use
17 the least possible power adequate to the end proposed. A
18 person who lacks the present ability to comply with the order
19 of the court may not be confined for a civil contempt.
20 Sanctions may include, but are not limited to, seizure or
21 impoundment of property to secure compliance with a prior
22 order. Ancillary relief may provide for an award of attorney's
23 fees.

24 (c) Upon a finding that a person is in civil contempt, the
25 court, when otherwise appropriate and in its discretion, and
26 as an alternative to incarceration, may place the person on
27 work release, in a weekend jail program, in an existing
28 community service program, in an existing day-reporting
29 center program, in any other existing community corrections
30 program or on home confinement until the person has purged
31 himself or herself of the contempt.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect July 1, 2012.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor