

FILED

2015 MAR 24 P 5:08

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-SECOND LEGISLATURE**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**REGULAR SESSION, 2015**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 430**

(SENATOR TRUMP, *ORIGINAL SPONSOR*)

[PASSED MARCH 13, 2015; IN EFFECT FROM PASSAGE.]

SB430

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## Senate Bill No. 430

(SENATOR TRUMP, *ORIGINAL SPONSOR*)

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[Passed March 13, 2015; in effect from passage.]

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AN ACT to amend and reenact §48-27-507 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §51-2A-2a, all relating to exempting orders enjoining certain contact between parties to a domestic relations action from the prohibition against mutual protective orders; authorizing family courts of the state to enter standing orders enjoining certain contact between parties to a domestic relations action; providing for certain terms and effective length of such orders; authorizing family courts of the state to enter orders enjoining certain contact between parties to a domestic relations action when there has been a finding of misconduct by a party; authorizing family court to enforce its order through an order of contempt; and expressing intent of the Legislature.

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

That §48-27-507 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code ~~be~~ amended by adding thereto a new section, designated §51-2A-2a, all to read as follows:

be 

**CHAPTER 48. DOMESTIC RELATIONS.**

**ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

**§ 48-27-507. Mutual protective orders prohibited.**

1 Mutual protective orders are prohibited unless both  
2 parties have filed a petition under part three of this article and  
3 have proven the allegations of domestic violence by a  
4 preponderance of the evidence. This shall not prevent other  
5 persons, including the respondent, from filing a separate  
6 petition. The court may consolidate two or more petitions if  
7 he or she determines that consolidation will further the  
8 interest of justice and judicial economy. The court shall enter  
9 a separate order for each petition filed: *Provided*, That  
10 nothing in this section shall preclude the court from entering  
11 an order restricting contact pursuant to section two-a, article  
12 two-a, chapter fifty-one of this code.

**CHAPTER 51. COURTS IN GENERAL.**

**ARTICLE 2A. FAMILY COURTS.**

**§51-2A-2a. Family court jurisdiction to restrict contact between parties.**

1 (a) A family court in its discretion may, at any time  
2 during the pendency of any action prosecuted under chapter  
3 forty-eight of this code, restrict contact between the parties  
4 thereto without a finding of domestic violence under article  
5 twenty-seven of said chapter. This order shall not be  
6 considered a protective order for purposes of section five

7 hundred seven, article twenty-seven, chapter forty-eight of  
8 this code. A court may enter a standing order regarding the  
9 conduct expected of the parties during the proceeding. Any  
10 standing order may restrict the parties from:

11 (1) Entering the home, school, business or place of  
12 employment of the other for the purpose of bothering or  
13 annoying the other;

14 (2) Contacting the other, in person, in writing,  
15 electronically or by telephone, for purposes not clearly  
16 necessary for the prosecution of the underlying action or any  
17 obligation related thereto or resulting therefrom;

18 (b) Upon a finding of misconduct by a party, the court shall  
19 enter an order against the offending party enjoining the conduct  
20 which disturbs or interferes with the peace or liberty of the other  
21 party so long as such conduct does not rise to the level of or  
22 constitute domestic violence as defined in article twenty-seven,  
23 chapter forty-eight of this code. The court shall not issue orders  
24 under this section in cases where the conduct of either party has  
25 previously risen to the level of domestic violence.

26 (c) Nothing in this section shall preclude the court from  
27 entering an emergency protective order, or final protective  
28 order, as provided in article twenty-seven, chapter forty-eight  
29 of this code.

30 (d) Notwithstanding the provisions of section five hundred  
31 five, article twenty-seven, chapter forty-eight of this code, an  
32 order entered pursuant to the provisions of this section shall  
33 remain in effect for a period of time as specified in the order.

34 (e) The court may enforce orders under this section  
35 against the offending party through its powers of contempt,  
36 pursuant to section nine of this article.

37           (f) It is the express intent of the Legislature that orders  
38 issued pursuant to this section are to restrict behavior which  
39 is not of sufficient severity to implicate the provisions of  
40 article twenty-seven, chapter forty-eight of this code and 18  
41 U. S. C. §922(g)(8).

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

*Mark R. Meyer*  
.....  
Chairman Senate Committee

*Al B. McK*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Clark S. Barne*  
.....  
Clerk of the Senate

*Steph D. Brown*  
.....  
Clerk of the House of Delegates

*William P. ...*  
.....  
President of the Senate

*John ...*  
.....  
Speaker of the House of Delegates

The within *is approved* this the *24th*  
*March*  
Day of ....., 2015.

*Earl Ray Tomblin*  
.....  
Governor

**PRESENTED TO THE GOVERNOR**

**MAR 19 2015**

**Time** 11:20 am