

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 581

BY SENATORS MAYNARD, ASHLEY, LAIRD, KESSLER,

PALUMBO, WOELFEL, ROMANO AND STOLLINGS

[Introduced February 11, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended,
 2 relating to eliminating the sunset provision terminating the pilot domestic violence court
 3 program; and continuing and expanding the domestic violence court initiative designed to
 4 prevent domestic violence.

Be it enacted by the Legislature of West Virginia:

1 That §48-27-301 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

PART 3. PROCEDURE.

§48-27-301. Jurisdiction.

1 (a) Circuit courts, family courts and magistrate courts, have concurrent jurisdiction over
 2 domestic violence proceedings as provided in this article.

3 (b) The Supreme Court of Appeals is authorized to assign an appropriate judicial officer
 4 for ~~one pilot~~ five domestic violence ~~court~~ courts in any jurisdiction chosen by the Supreme Court
 5 of Appeals. The judicial officer assigned has the authority and jurisdiction to preside over criminal
 6 misdemeanor crimes of domestic violence involving family or household members as defined in
 7 subdivisions one through six and paragraphs (A), (B) and (H), subdivision seven, section two
 8 hundred four of this article, relating to offenses under subsections (b) and (c), section nine, article
 9 two, chapter sixty-one of this code, misdemeanor violations of section nine-a, article two, chapter
 10 sixty-one of this code, misdemeanor violations of section twenty-eight, article two, chapter sixty-
 11 one of this code, misdemeanor offenses under article three, chapter sixty-one of this code, where
 12 the alleged perpetrator and the victim are said family or household members, subdivisions seven
 13 and eight, section seven, article seven, chapter sixty-one of this code and civil and criminal
 14 domestic violence protective order proceedings as provided in this article. The judicial officer
 15 chosen for any ~~pilot~~ domestic violence court may be a current or senior status circuit judge, family

16 court judge, temporary family court judge or magistrate. The Supreme Court of Appeals is
17 requested to maintain statistical data to determine the feasibility and effectiveness of any pilot
18 domestic violence ~~court~~ courts established by the provisions of this section. ~~The program shall~~
19 ~~terminate December 31, 2016, and the Supreme Court is requested to provide a report to the~~
20 ~~President of the Senate and the Speaker of the House of Delegates regarding the program's~~
21 ~~efficacy prior to the regular sessions of the Legislature in 2015 and 2016~~

22 (c) The assigned judicial ~~officer~~ officers in this ~~pilot~~ a domestic violence court, does not
23 have jurisdiction to preside over any felony crimes.

NOTE: The purpose of this bill is to eliminate the sunset provisions and continue and expand the domestic violence court initiative.

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