

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 156

FISCAL
NOTE

BY SENATORS SYPOLT, BALDWIN, CLINE, IHLENFELD,

WOELFEL, ROMANO, AND FACEMIRE

[Introduced January 9, 2020; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §48-27-802 of the Code of West Virginia, 1931, as amended; and
2 to amend said code by adding thereto a new section, designated §48-27-803, all relating
3 to victims of domestic violence and their right to know the place of employment and
4 residence of their assailant; and requiring that the West Virginia State Police shall maintain
5 a registry of this information.

Be it enacted by the Legislature of West Virginia:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

§48-27-802. Maintenance of registry by State Police.

1 (a) The West Virginia State Police shall maintain a registry in which it shall enter certified
2 copies of protective orders entered by courts from every county in this state pursuant to the
3 provisions of this article and of protection orders issued by a jurisdiction outside of this state
4 pursuant to its law: *Provided*, That the provisions of this subsection are not effective until a central
5 automated state law-enforcement information system is developed.

6 (b) Effective January 2, 2010, a court which enters a protective order pursuant to this
7 article shall immediately register ~~such~~ the order in the domestic violence database established
8 pursuant to ~~the provisions of~~ §51-1-21 of this code. A protected individual who obtains a protection
9 order from a jurisdiction outside of this state pursuant to its law or his or her representative as
10 provided in §48-28-5 of this code may register that order with the West Virginia Supreme Court
11 of Appeals for entry in the domestic violence database established pursuant to ~~the provisions of~~
12 §51-1-21 of this code.

13 (c) Failure to register an order as provided in this section shall not affect its enforceability
14 in any county or jurisdiction.

15 (d) Effective July 1, 2020, the West Virginia State Police shall maintain a registry in which
16 it shall enter information relating to persons who have been convicted of domestic violence
17 offenses and who have been incarcerated for those offenses. The registry shall include
18 information concerning each person's place of employment and residence for a period of no

19 longer than five years from the release from incarceration or service of sentence.

§48-27-803. Victim's right to know.

1 Protected individuals who are victims of domestic violence have the right to know the
2 location of their assailant's residence and work location upon release from incarceration or service
3 of their sentence for an extended period of at least five years. The West Virginia State Police shall
4 provide this information upon request of a domestic violence victim.

NOTE: The purpose of this bill is to create a victim's right to know the place of employment and residence of a person who has been incarcerated for domestic violence. State Police to maintain a registry.

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