

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

Introduced

### House Bill 2539

FISCAL  
NOTE

BY DELEGATES PUSHKIN, ROWE, AND WALKER

[Introduced February 16, 2021; 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 directing the Supreme Court of Appeals to create a pilot domestic violence court  
 3 in Kanawha County.

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

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

PART III. 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~~ shall assign appropriate judicial officers  
 4 for ~~five~~ one pilot domestic violence courts ~~in any jurisdiction chosen by the Supreme Court of~~  
 5 ~~Appeals~~ court in Kanawha County. Judicial officers so assigned have the authority and  
 6 jurisdiction to preside over criminal misdemeanor crimes of domestic violence involving family or  
 7 household members as defined in §48-27-204 (1) through (6), and §48-27-204 (7)(A), (B), and  
 8 (H), of this code, relating to offenses under §61-2-9 (b) and (c), of this code, misdemeanor  
 9 violations of §61-2-9a of this code, misdemeanor violations of §61-2-28 of this code, misdemeanor  
 10 offenses under §61-3-1 *et seq.* of this code where the alleged perpetrator and the victim are said  
 11 family or household members, §61-7-7 (7) and (8), of this code and civil and criminal domestic  
 12 violence protective order proceedings as provided in this article. The judicial officer chosen for  
 13 any domestic violence court may be a current or senior status circuit judge, family court judge,  
 14 temporary family court judge or magistrate. The Supreme Court of Appeals ~~is requested to~~ shall  
 15 maintain statistical data to determine the feasibility and effectiveness of ~~any~~ the domestic violence  
 16 court established by the provisions of this section. The Supreme Court shall report to the President  
 17 of the Senate and the Speaker of the House of Delegates regarding the program's efficacy prior  
 18 to the regular sessions of the Legislature in 2024 and 2025.

19           (c) The assigned judicial officer in a domestic violence court does not have jurisdiction to  
20   preside over any felony crimes unless the assigned judicial officer is a circuit court judge.

NOTE: The purpose of this bill is to direct the Supreme Court of Appeals to assign appropriate judicial officers for a pilot domestic violence court in Kanawha County.

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