WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5236

By Delegates Winzenreid, Westfall, Smith, Kelly, Hillenbrand, Hornby, Heckert, Garcia, Fluharty, and Adkins

[Introduced January 26, 2024; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §48-27-202 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §48-27-202a, all relating to updating the definition of domestic violence.

Be it enacted by the Legislature of West Virginia:

Article 27. Prevention and Treatment of Domestic Violence.

Part II. Definitions.

§48-27-202. Domestic violence defined.

"Domestic violence" or "abuse" means the occurrence of one or more of the following acts between family or household members, as that term is defined in §48-27-204 of this code: ~~article~~

Attempting to cause or intentionally, knowingly, or recklessly causing physical harm to another with or without dangerous or deadly weapons;

Placing another in reasonable apprehension of physical harm;

Creating fear of physical harm by harassment, stalking, psychological abuse or threatening acts;

Committing either sexual assault or sexual abuse as those terms are defined in ~~articles eight-b~~ §61-8B-1 *et seq*. and ~~eight-d~~ §61-8D-1 *et seq*., ~~chapter sixty-one~~ of this code; ~~and~~

Holding, confining, detaining, or abducting another person against that person's will; and

Committing acts of coercive control.

§48-27-202a. Coercive control defined.

"Coercive control" means a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual. "Coercive control" includes a pattern of behavior that seeks to take away the individual's liberty or freedom and strip away the individual's sense of self, including bodily integrity, whereby the "coercive control" is designed to make an individual dependent by isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior including:

(1) Isolating the individual from friends and family;

(2) Controlling how much money is accessible to the individual and how it is spent;

(3) Monitoring the individual's activities, communications, and movements;

(4) Name-calling, degradation, and demeaning the individual frequently;

(5) Threatening to harm or kill the individual or a child or relative of the individual;

(6) Threatening to publish information or make reports to the police or the authorities;

(7) Damaging property or household goods; and

(8) Forcing the individual to take part in criminal activity or child abuse.

NOTE: The purpose of this bill is to update the definition of domestic violence.

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