

# **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]

1 A BILL to amend and reenact §48-27-202 of the Code of West Virginia, 1931, as amended; and to  
 2 amend said code by adding thereto a new section, designated §48-27-202a, all relating to  
 3 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.**

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

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

5 Placing another in reasonable apprehension of physical harm;

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

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

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

11 Committing acts of coercive control.

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

1 "Coercive control" means a pattern of threatening, humiliating, or intimidating actions,  
 2 which may include assaults, or other abuse that is used to harm, punish, or frighten an individual.

3 "Coercive control" includes a pattern of behavior that seeks to take away the individual's liberty or  
 4 freedom and strip away the individual's sense of self, including bodily integrity, whereby the

5 "coercive control" is designed to make an individual dependent by isolating them from support,  
 6 exploiting them, depriving them of independence, and regulating their everyday behavior

7 including:

8 (1) Isolating the individual from friends and family;

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

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

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

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

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

14 (7) Damaging property or household goods; and

15 (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.