



West Virginia Senate

Committee on the Judiciary

Minutes for February 19, 2024, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 19, 2024, 3:00 PM in Room 208-W.

Members present: Senators Trump, Weld, Azinger, Barrett, Caputo, Deeds, Hamilton, Hunt, Maynard, Rucker, Stover, Stuart, Swope, Takubo, Taylor, Woelfel

Members absent: Senator Martin

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Trump, the minutes of the previous meeting were approved.

S. B. 773 - Expanding powers of National Park Service law-enforcement officers.

Tom Smith, Chief Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

The question being on agreeing to the committee substitute, the same was put, and the committee substitute was agreed to.

On motion of Senator Trump, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 768 - Providing exception for sharing of confidential child welfare records.

J. A. Curia, Counsel, explained the bill, and responded to questions.

With leave of the committee, Cammie Chapman, Deputy Secretary Children and Adult Services, West Virginia Department of Human Services, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Trump, the committee recommended the bill for passage.

S. B. 442 - Providing for immunity for mental health providers who are involved in mental hygiene checks.

Gordon Mowen, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Mark Robinson, Counsel, Flaherty Sensabaugh & Bonasso, Pretera Center, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Kelly Elswick-Hall, Counsel, Masters Law Firm, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

Senator Hunt moved to amend the committee substitute on page 4, line 76, after the word “examination” by adding the following: “must be a physician or have a certification to diagnosis the need for involuntary as determined by the board of psychiatry”.

Senator Hunt reformed the amendment to state whatever licensing board the person is working under.

With leave of the committee, Lisa Zappia, Chief Executive Officer, Pretera Center, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

Senator Hunt reformed his amendment to state that “person must be a physician or hold a psychiatric certification”.

The same was put and the amendment was rejected.

Senator Hunt moved to amend the committee substitute on page 4, line 78, by striking the word “gross”. The same was put and a division of the body demanded.

The vote being 6 in favor and 8 opposed, the amendment was rejected.

The question being on agreeing to the committee substitute, the same was put, and the committee substitute was agreed to.

Senator Trump moved to report the committee substitute to the full Senate with the recommendation that it do pass. A division of the body was demanded.

The vote being 7 in favor and 8 against, the motion to report was rejected.

On Motion of Senator Trump the committee adjourned.



Ryan W. Weld
Chair



Beverly Douglas
Analyst/Clerk

The Senate of West Virginia



Testimony taken this 19th day of February, 2024, in
the Senate Committee on The Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Lisa Zappia

Print Witness Name

Lisa Zappia

Sign Witness Name

Oath was administered by:

Ryan W. Weld

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 19th day of February, 20 24, in
the Senate Committee on the Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Kelly Elswick-Hall
Print Witness Name

Kelly Elswick-Hall
Sign Witness Name

Oath was administered by:

Ryan W Weld
Print Member Name

[Signature]
Sign Member Name

The Senate of West Virginia



Testimony taken this 19th day of February, 2027, in
the Senate Committee on The Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Mark Robinson

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Ryan W Weld

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 19th day of February, 20 24, in
the Senate Committee on The Judiciary.

"I solemnly swear (or affirm) that the testimony I shall give shall be
the truth, the whole truth, and nothing but the truth, so help me
God."

Cammie L Chapman

Print Witness Name

Cammie L Chapman

Sign Witness Name

Oath was administered by:

Ryan W. Weld

Print Member Name

[Signature]

Sign Member Name