



## West Virginia Senate

### Committee on the Judiciary

Minutes for February 20, 2024, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 20, 2024, 3:00 PM in Room 208-W.

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

Members absent: None

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.

Senator Rucker moved to reconsider **S. B. 442**. The same was put and adopted.

Chairman Weld appointed a subcommittee consisting of Senators Takubo, Hunt, Barrett, Deeds, and Caputo.

**S. B. 778** - Amending certain qualifying offenses to enhance sentences of repeat offenders.

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

On motion of Senator Deeds, the committee amended the committee substitute on page 2, between lines 42 and 43, by inserting a new subdivision (40) "felony violation of §61-3-12", and renumbering the remaining subdivisions.

With leave of the committee, Rachel Romano, Harrison County Prosecutor, Prosecutors Association, addressed the committee, and responded to questions.

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

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

**S. B. 765 - Establishing and administering DNA identification system.**

J. A. Curia, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Dr. Terry Fenger, Interim Executive Director, Marshall University Forensic Science Center, was administered the oath prescribed by Senate Rule 28a by Chairman Weld, addressed the committee, and responded to questions. (See attached oath.)

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.

On motion of Senator Takubo, the committee received the subcommittee report on **S. B. 575.**

On Motion of Senator Trump the committee adjourned.



Ryan W. Weld  
Chair



Beverly Douglas  
Analyst/Clerk

The Senate of West Virginia



Testimony taken this 20<sup>th</sup> 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."

TERRY FENGER

Print Witness Name

Terry Fenger

Sign Witness Name

Oath was administered by:

Ryan W. Weld

Print Member Name

[Signature]

Sign Member Name

## SUBCOMMITTEE REPORT ON SB575

Mr. Chairman,

Your subcommittee on SB575 has met and reached agreement as to the issues raised during the Judiciary Committee meeting.

Pursuant to this Committee's request, the Subcommittee evaluated the proposed concerns related to SB575.

The Subcommittee recommends as follows:

The Committee Substitute for Committee Substitute adds language to clarify the surrogate must pass a medical evaluation by a licensed medical doctor to serve as a surrogate; clarifies the surrogate and the intended parent must have an independent legal representation of their choice; clarifies the surrogate must abide by the provisions §16-2R-1 of this section; and clarifies the parentage in the event the agreement is breached.

Mr. Chairman, I move the sub-committee report be received.