



West Virginia Senate

Committee on the Judiciary

Minutes for February 21, 2024, 3:15 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 21, 2024, 3:15 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.

On motion of Senator Takubo, the subcommittee report for **S. B. 442** was received.

S. B. 851 - Establishing requirements for contingency fee agreements between political subdivisions and private attorneys.

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

With leave of the committee, Danielle Waltz, U.S. Chamber of Commerce Institute for Legal Reform, 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, Anthony Majestro, West Virginia Association for Justice, 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.

S. B. 725 - Clarifying conditions for pretrial release and maximum bail amount for certain defendants.

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

With leave of the committee, Jean Anne Luikart, Putnam County Magistrate, addressed the committee, and responded to questions.

Mr. Smith explained staff suggested amendment on page 2, line 25, after the word “conditions”, by inserting the following: “other than a personal recognizance bond”.

Mr. Smith reformed amendment to also include on page 2, line 25 and line 32 by striking the words “judicial officer” and insert in lieu thereof “magistrate”.

The same was put and adopted.

On motion of Senator Stuart the committee amended the committee substitute on page 3, line 58, by striking the word “Proper” and inserting in lieu thereof “The”, and on line 60 by striking the word “are” and inserting in lieu thereof the words “shall be”.

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. 575 - Assisted Reproduction Act.

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

Senator Stuart moved to amend the committee substitute for committee substitute by inserting language as passed by the Commonwealth of Virginia banning the commercial brokerage of the arrangement of surrogacy.

Senator Stuart reformed his amendment to create a new section of code which would prohibit the use of surrogate brokers, making it a misdemeanor offense punishable by a fine and incarceration, define surrogacy brokering, and not invalidate the contract.

The same was put and adopted.

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

The committee agreed to lay the bill over to a future meeting.

On Motion of Senator Trump the committee adjourned.



Ryan W. Weld
Chair



Beverly Douglas
Analyst/Clerk

The Senate of West Virginia



Testimony taken this 21st 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."

Danella Waltz

Print Witness Name

D Waltz

Sign Witness Name

Oath was administered by:

Ryan W. Weld

Print Member Name

RW

Sign Member Name

The Senate of West Virginia



Testimony taken this 21st 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."

Anthony Mages

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Ryan W. Weld

Print Member Name

[Signature]

Sign Member Name