



West Virginia Senate

Committee on the Judiciary

Minutes for February 22, 2024, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on the Judiciary met on February 22, 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 Weld, the minutes of the previous meeting were approved.

S. B. 575 - Assisted Reproduction Act.

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 Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

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

Unanimous consent being granted, Senator Weld withdrew his motion to report committee substitute for **S. B. 442** to the full Senate with a recommendation for passage.

On motion of Senator Weld, the committee reconsidered its actions by which the committee agreed to the language of the committee substitute for **S. B. 442**.

Unanimous consent being granted, Chairman Trump withdrew the committee substitute and laid before the committee the subcommittee committee substitute.

Gordon Mowen, 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 Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 583 - Relating to employer liability and damages in civil actions involving commercial motor vehicles.

J. A. Curia, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

With leave of the committee, Cary Silverman, American Tort Reform Association, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Steven Farmer, West Virginia Business Owner, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

S. B. 190 - Modifying definition of sexual contact.

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

With leave of the committee, Gabrielle Mucciola, Monongalia County Prosecutor, addressed the committee, and responded to questions.

Senator Rucker moved to amend the bill by inserting a definition of "Consent". (See attached amendment.)

The same was put and a roll call was demanded, which demand was sustained.

On adoption of the amendment, the yeas were: Azinger, Hunt, Martin, Maynard, Rucker, Stover, Stuart, and Taylor – 8

The nays were: Barrett, Caputo, Deeds, Hamilton, Takubo, Weld, Woelfel, and Trump (Mr. Chairman) – 8

A majority of all the members present not having voted in the affirmative, the Chairman declared the amendment rejected.

Senator Azinger moved to amend the committee substitute to state that proof of sexual contact must have two additional witnesses, other than the husband or wife.

Senator Azinger withdrew the amendment.

Senator Weld moved to agree to the committee substitute. The same was put and a roll call was demanded, which demand was sustained.

On adoption of agreeing to the language of the committee substitute, the yeas were: Barrett, Caputo, Deeds, Hamilton, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Swope, Takubo, Taylor, Weld, Woelfel, and Trump (Mr. Chairman) – 16.

The nay was Azinger – 1.

A majority of all the members present voting in the affirmative, the Chairman declared the motion adopted.

Senator Weld moved to report the committee substitute to the full Senate with the recommendation that it do pass. The same was put and a roll call was demanded, which demand was sustained.

On adoption of motion to report, the yeas were: Barrett, Caputo, Deeds, Hamilton, Maynard, Stover, Stuart, Swope, Takubo, Taylor, Weld, Woelfel, and Trump (Mr. Chairman) – 13.

The nays were Azinger, Hunt, Martin, and Rucker – 4.

A majority of all the members present voting in the affirmative, the Chairman declared the motion adopted.

Chairman Trump moved **S. B. 496** next on the agenda.

S. B. 496 - Prohibiting racial discrimination based on certain hair textures and hairstyles.

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

Senator Martin moved to table the bill. The same was put and rejected.

With leave of the committee, Veronica Bunch, Miss Black West Virginia, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Nicole Cofer, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Weld moved to agree to the committee substitute. The same was put and a roll call was demanded, which demand was sustained.

On adoption of agreeing to the language of the committee substitute, the yeas were: Barrett, Caputo, Deeds, Hamilton, Hunt, Martin, Maynard, Rucker, Stover, Stuart, Takubo, Taylor, Weld, Woelfel, and Trump (Mr. Chairman) – 15.

The nays were Azinger and Swope – 2.

A majority of all the members present voting in the affirmative, the Chairman declared the motion adopted.

Senator Weld moved to report the committee substitute to the full Senate with the recommendation that it do pass. The same was put and a roll call was demanded, which demand was sustained.

On adoption of motion to report, the yeas were: Barrett, Caputo, Deeds, Hamilton, Hunt, Stover, Takubo, Taylor, Weld, Woelfel, and Trump (Mr. Chairman) – 10.

The nays were Azinger, Martin, Maynard, Rucker, Stuart, Swope, and Taylor – 7.

A majority of all the members present voting in the affirmative, the Chairman declared the motion adopted.

The committee recessed for 10 minutes.

The committee reconvened.

Chairman Trump removed **S. B. 717** from the agenda.

S. B. 751 - Creating online charitable raffles.

Gordon Mowen, Counsel, explained the bill, the proposed strike and insert and title amendment, and responded to questions.

Senator Weld moved to adopt the strike and insert amendment.

On motion of Senator Weld, the committee adopted the strike and insert amendment.

On motion of Senator Weld, the committee reported the bill to the full Senate with the recommendation that it do pass as amended.

On motion of Senator Weld, the committee adopted the title amendment.

S. B. 786 - Relating to massage therapy establishments.

Debra Graham, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Linda Lyter, Executive Director, West Virginia Massage Therapy Licensure Board, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, 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 Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 568 - Creating multi-tiered system for school absenteeism.

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

With leave of the committee, Michelle Blatt, West Virginia Superintendent of Schools, was administered the oath prescribed by Senate Rule 28a by Chairman Trump, addressed the committee, and responded to questions. (See attached oath.)

Senator Caputo moved to amend the committee substitute for committee substitute on page 6, line 83, striking the word "three" and inserting in lieu thereof "seven". A division of the body was demanded, which demand was sustained.

The vote being 5 in favor and 6 opposed, the amendment was rejected.

On motion of Senator Weld the committee amended the committee substitute for committee substitute on page 9, line 153, by striking (k) in its entirety.

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 Weld, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

On Motion of Senator Weld the committee adjourned.



Charles S. Trump
Chair



Beverly Douglas
Clerk/Analyst

The Senate of West Virginia



Remote/Virtual Testimony

Testimony taken this 22nd 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."

Cary Silverman

Print Witness Name

Beverly Douglas

Testimony Attested to by Committee
Clerk

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name

The Senate of West Virginia



Testimony taken this 22nd 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."

Steve Adams

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

[Signature]

Sign Member Name

(1) "Consent" means:

- (a) A free choice by an individual who has the capacity to make an informed decision.
- (b) As it relates to Sexual Contact, implied Consent exists between Married partners except where one or more partners have explicitly and overtly withdrawn Consent.
- (c) Consent does not exist where an actor deliberately and intentionally misrepresents their true identity or biological sex to the victim.
- (d) Consent does not exist where an actor knowingly and intentionally exposes another to a sexually transmitted disease without informing the victim in advance.

ROLL CALL

COMMITTEE ON THE JUDICIARY

Charles S. Trump IV, *Chair*

DATE February 22, 2024 TIME 3pm
 QUESTION Adoption of Senator Rucker's amendment defining "consent" - Rejected SB 190

NAME	ATTENDANCE		ROLL CALL VOTES	
	PRESENT	ABSENT	YEA	NAY
Azinger	✓		✓	
Barrett	✓			✓
Caputo	✓			✓
Deeds	✓			✓
Hamilton	✓			✓
Hunt	✓		✓	
Martin	✓		✓	
Maynard	✓		✓	
Rucker	✓		✓	
Stover	✓		✓	
Stuart	✓		✓	
Swope				
Takubo	✓			✓
Taylor	✓		✓	
Weld	✓			✓
Woelfel	✓			✓
Trump	✓			✓
TOTALS			8	8

ROLL CALL

COMMITTEE ON THE JUDICIARY

Charles S. Trump IV, Chair

DATE February 22, 2024 TIME 3pm
QUESTION SB190 Agree to language in com sub

NAME	ATTENDANCE		ROLL CALL VOTES	
	PRESENT	ABSENT	YEA	NAY
Azinger	✓			✓
Barrett	✓		✓	
Caputo	✓		✓	
Deeds	✓		✓	
Hamilton	✓		✓	
Hunt	✓		✓	
Martin	✓		✓	
Maynard	✓		✓	
Rucker	✓		✓	
Stover	✓		✓	
Stuart	✓		✓	
Swope	✓		✓	
Takubo	✓		✓	
Taylor	✓		✓	
Weld	✓		✓	
Woelfel	✓		✓	
Trump	✓		✓	
TOTALS			14	1

ROLL CALL

COMMITTEE ON THE JUDICIARY

Charles S. Trump IV, Chair

DATE February 22, 2024 TIME 3pm

QUESTION SB190 - Motion to report

NAME	ATTENDANCE		ROLL CALL VOTES	
	PRESENT	ABSENT	YEA	NAY
Azinger	✓			✓
Barrett	✓		✓	
Caputo	✓		✓	
Deeds	✓		✓	
Hamilton	✓		✓	
Hunt	✓			✓
Martin	✓			✓
Maynard	✓		✓	
Rucker	✓			✓
Stover	✓		✓	
Stuart	✓		✓	
Swope	✓		✓	
Takubo	✓		✓	
Taylor	✓		✓	
Weld	✓		✓	
Woelfel	✓		✓	
Trump	✓		✓	
TOTALS			13	4

The Senate of West Virginia



Testimony taken this 22nd 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."

Jennica Bunch

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Charles S Trump

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 22nd 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."

Nicole A. Cofer
Print Witness Name

[Signature]
Sign Witness Name

Oath was administered by:

Charles S. Trump
Print Member Name

[Signature]
Sign Member Name

ROLL CALL

COMMITTEE ON THE JUDICIARY

Charles S. Trump IV, Chair

DATE February 22, 2024 TIME 3pm

QUESTION SB 4961 Agree to language of committee substitute

NAME	ATTENDANCE		ROLL CALL VOTES	
	PRESENT	ABSENT	YEA	NAY
Azinger	✓			✓
Barrett	✓		✓	
Caputo	✓		✓	
Deeds	✓		✓	
Hamilton	✓		✓	
Hunt	✓		✓	
Martin	✓		✓	
Maynard	✓		✓	
Rucker	✓		✓	
Stover	✓		✓	
Stuart	✓		✓	
Swope	✓			✓
Takubo	✓		✓	
Taylor	✓		✓	
Weld	✓		✓	
Woelfel	✓		✓	
Trump	✓		✓	
TOTALS			15	2

ROLL CALL

COMMITTEE ON THE JUDICIARY

Charles S. Trump IV, *Chair*

DATE February 22, 2024 TIME 3pm

QUESTION SB496 motion to report the bill with the recommendation that it pass.

NAME	ATTENDANCE		ROLL CALL VOTES	
	PRESENT	ABSENT	YEA	NAY
Azinger	✓			✓
Barrett	✓		✓	
Caputo	✓		✓	
Deeds	✓		✓	
Hamilton	✓		✓	
Hunt	✓		✓	
Martin	✓			✓
Maynard	✓			✓
Rucker	✓			✓
Stover	✓		✓	
Stuart	✓			✓
Swope	✓			✓
Takubo	✓		✓	
Taylor	✓			✓
Weld	✓		✓	
Woelfel	✓		✓	
Trump	✓		✓	
TOTALS	17		10	7

The Senate of West Virginia



Testimony taken this 22nd 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."

Linda Lyter
Print Witness Name

Linda Lyter
Sign Witness Name

Oath was administered by:

Charles S. Trump
Print Member Name

Charles S. Trump
Sign Member Name

The Senate of West Virginia



Testimony taken this 2nd 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."

Michele Blatt

Print Witness Name

Michele Blatt

Sign Witness Name

Oath was administered by:

Charles S. Trump

Print Member Name

Charles S. Trump

Sign Member Name