



West Virginia House of Delegates

Standing Committee on the Judiciary

Minutes for March 28, 2025, 9:00 AM

Pursuant to the call of the Chair, the Standing Committee on the Judiciary met on Friday, March 28, 2025, at 9:00 AM, in the House Judiciary Committee Room with Delegate Akers in the Chair.

Members present: Delegates Butler, Ferrell, Flanigan, Fluharty, Funkhouser, Hansen, Heckert, Hillenbrand, Holstein, Hornby, Jennings, Kelly, D., Kimble, Kump, Mallow, Marple, Martin, Maynor, Phillips, Ridenour, Roop, Shamblin, Ward, B., Zatezalo, and Chairman Akers.

Members absent: None.

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

On motion of Vice-Chairman Maynor, the minutes of the previous meeting were approved.

Committee Substitute for House Bill 2410, Safeguard the Right-To-Try Cutting-Edge Medicine Act

Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion. Vice-Chairman Maynor moved for the committee to consider the proposed committee substitute for the committee substitute for the bill. Chairman Akers put the question before the committee on adoption of the motion. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion for consideration of the proposed committee substitute. The motion was adopted and the committee proceeded to consideration of the proposed committee substitute.

Chairman Akers recognized counsel for purposes of explaining the proposed committee substitute. Chairman Akers called for questions of counsel. Chairman Akers called for further amendments to the proposed committee substitute. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report the Committee Substitute for Committee Substitute for House Bill 2410 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the committee substitute for the committee substitute for the bill. The motion was adopted and Chairman Akers ordered the committee substitute for the committee substitute for the bill to be reported as moved.

House Bill 2551, Increase criminal penalties for trespassing livestock

Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion. Vice-Chairman Maynor moved for the committee to consider the proposed committee substitute for the bill. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on

adoption of the motion for consideration of the proposed committee substitute. The motion was adopted and the committee proceeded to consideration of the proposed committee substitute.

Chairman Akers recognized counsel for purposes of explaining the proposed committee substitute. Chairman Akers called for questions of counsel. Questions from the committee members followed. Chairman Akers called for amendments to the proposed committee substitute. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report Committee Substitute for House Bill 2551 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the committee substitute for the bill. The motion was adopted and Chairman Akers ordered the committee substitute for the bill to be reported as moved.

At this moment, Chairman Akers ceded the Chair to Vice-Chairman Maynor.

House Bill 2961, To amend the law concerning ownership and possession of real property

Chairman Maynor recognized Delegate Mallow for purposes of making a motion. Delegate Mallow moved for the committee to consider the proposed committee substitute for the bill. Chairman Maynor called for discussion on the motion. Chairman Maynor put the question before the committee on adoption of the motion for consideration of the proposed committee substitute. The motion was adopted and the committee proceeded to consideration of the proposed committee substitute.

Chairman Maynor recognized counsel for purposes of explaining the proposed committee substitute. Chairman Maynor called for questions of counsel. Questions from the committee members followed. Chairman Maynor called for amendments to the proposed committee substitute. Hearing none, Chairman Maynor recognized Delegate Mallow for purposes of making a motion.

Delegate Mallow moved to report Committee Substitute for House Bill 2961 to the floor with the recommendation that it do pass. Chairman Maynor called for discussion on the motion. Discussion from the committee members followed. Chairman Maynor put the question before the committee on adoption of the motion to report the committee substitute for the bill. The motion was adopted and Chairman Maynor ordered the committee substitute for the bill to be reported as moved.

At this time, Chairman Maynor ceded the Chair to Delegate Akers.

Committee Substitute for House Bill 2973, Regarding venue for legal actions against the West Virginia Secondary School Activities Commission

Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion. Vice-Chairman Maynor moved for the committee to consider the proposed committee substitute for the committee substitute for the bill. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion for consideration of the proposed committee substitute. The motion was adopted and the committee proceeded to consideration of the proposed committee substitute.

Chairman Akers recognized counsel for purposes of explaining the proposed committee substitute. Chairman Akers called for questions of counsel. Questions from the committee members followed. Chairman Akers called for amendments to the proposed committee substitute. On motion by Delegate Funkhouser, an amendment to the proposed committee substitute for the bill was offered.

Chairman Akers recognized Delegate Funkhouser to explain the proposed amendment (Funkhouser AM #1). Chairman Akers called for questions regarding the proposed amendment. Questions from the committee members followed. Chairman Akers called for discussion on the motion. Discussion from the committee members followed. Chairman Akers put the question before the committee on adoption of the motion to amend the proposed committee substitute for the bill. The motion was not adopted and the proposed amendment to the proposed committee substitute was rejected. Chairman Akers called for further amendments to the proposed committee substitute for the bill. On motion by Delegate Funkhouser, an amendment to the proposed committee substitute for the bill was offered.

Chairman Akers recognized Delegate Funkhouser to explain the proposed amendment (Funkhouser AM #2). Chairman Akers called for questions regarding the proposed amendment. Questions from the committee members followed. Chairman Akers called for discussion on the motion. Discussion from the committee members followed. Chairman Akers put the question before the committee on adoption of the motion to amend the proposed committee substitute for the bill. The motion was not adopted and the proposed amendment to the proposed committee substitute was rejected. Chairman Akers called for further amendments to the proposed committee substitute for the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report Committee Substitute for Committee Substitute for House Bill 2973 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Discussion from the committee members followed. Chairman Akers put the question before the committee on adoption of the motion to report the bill. The motion was adopted and Chairman Akers ordered the committee substitute for the committee substitute to be reported as moved.

House Bill 3014, Relating generally to liability of hospital police

Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion. Vice-Chairman Maynor moved for the committee to consider the proposed committee substitute for the bill. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion for consideration of the proposed committee substitute. The motion was adopted and the committee proceeded to consideration of the proposed committee substitute.

Chairman Akers recognized counsel for purposes of explaining the proposed committee substitute. Chairman Akers called for questions of counsel. Chairman Akers called for amendments to the proposed committee substitute. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report Committee Substitute for House Bill 3014 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the committee substitute for the bill. The motion was adopted and Chairman Akers ordered the committee substitute for the bill to be reported as moved.

Chairman Akers recognized Vice-Chairman Maynor. Vice-Chairman Maynor asked for unanimous consent for House Bill 3189 to be placed upon the agenda and advanced to Markup and Discussion. An objection was raised. On motion of Vice-Chairman Maynor, a request for House Bill 3189 to be placed upon the agenda and advanced to Markup and Discussion was offered.

Chairman Akers put the question before the committee on adoption of the motion and directed the clerk to call the roll. With there being 23 AYES, 2 NAYS, and zero members absent, with more than two-thirds of members present voting in the affirmative, the motion was adopted and House Bill 3189 was placed upon the agenda and advanced to Markup and Discussion. Members voting in the negative were Delegates Fluharty and Hansen.

House Bill 3189, Creating crime of attempting to smuggle contraband into federal correctional institutions within the state

Chairman Akers recognized counsel for purposes of explaining the bill. Chairman Akers called for questions of counsel. Questions from the committee members followed. Without objection, Delegate Green, 36th District, answered questions from the committee members. Chairman Akers called for amendments to the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report House Bill 3189 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the bill. The motion was adopted and Chairman Akers ordered the bill to be reported as moved.

House Bill 3425, Clarifying that any person employed by the Division of Corrections and Rehabilitation pursuant to a contract includes contracted staff that work for vendors

Chairman Akers recognized counsel for purposes of explaining the bill. Chairman Akers called for questions of counsel. Chairman Akers called for amendments to the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report House Bill 3425 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the bill. The motion was adopted and Chairman Akers ordered the bill to be reported as moved.

House Originating Bill 3513, Relating to standards of liability and insurance requirements in certain civil actions

Chairman Akers recognized counsel for purposes of explaining the bill. Chairman Akers called for questions of counsel. Questions from the committee members followed. Chairman Akers called for amendments to the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report House Bill 3513 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the bill. The motion was adopted and Chairman Akers ordered the bill to be reported as moved.

House Originating Bill 3514, Relating to persons convicted of a crime

Chairman Akers recognized counsel for purposes of explaining the bill. Chairman Akers called for questions of counsel. Chairman Akers called for amendments to the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report House Bill 3514 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the bill. The motion was adopted and Chairman Akers ordered the bill to be reported as moved.

House Originating Bill 3515, Relating to appointment of officers of the West Virginia State Police

Chairman Akers recognized counsel for purposes of explaining the bill. Chairman Akers called for questions of counsel. Chairman Akers called for amendments to the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report House Bill 3515 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the bill. The motion was adopted and Chairman Akers ordered the bill to be reported as moved.

On motion of Vice-Chairman Maynor, the committee recessed.

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Chairman Akers called the committee to order and to reconvene.

House Bill 2381, Relating to permitting a citizen of this state to vote in the election of a municipality in which the citizen does not reside

Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion. Vice-Chairman Maynor moved for the committee to consider the proposed committee substitute for the bill. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion for consideration of the proposed committee substitute. The motion was adopted and the committee proceeded to consideration of the proposed committee substitute.

Chairman Akers recognized counsel for purposes of explaining the proposed committee substitute. Chairman Akers called for questions of counsel. Questions from the committee members followed. On motion of Delegate Shamblin, a request to table the bill was offered.

Chairman Akers put the question before the committee on adoption of the motion. A roll call was demanded and with the demand being sustained, Chairman Akers directed the clerk to call the roll. With there being 14 AYES, 5 Nays, and 6 members absent, the motion was adopted. Members voting in the negative were Delegates Ferrell, Funkhouser, Martin, Maynor, and Ridenour; with Delegates Heckert, Hillenbrand, Holstein, Hornby, Phillips, and Zatezalo being absent.

House Originating Bill 3516, Amending the time period within which a person may file suit if the basis of the suit occurred in the persons infancy, from age of majority plus eighteen years, to age of majority plus two years

Chairman Akers recognized counsel for purposes of explaining the bill. Chairman Akers called for questions of counsel. Questions from the committee members followed. Chairman Akers called for amendments to the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report House Bill 3516 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Discussion from the committee members

followed. Chairman Akers put the question before the committee on adoption of the motion to report the bill. A roll call was demanded and with the demand being sustained, Chairman Akers directed the clerk to call the roll. With there being 11 AYES, 6 NAYS, and 8 members absent, the motion was adopted and Chairman Akers ordered the bill to be reported as moved. Members voting in the negative were Delegates Flanigan, Fluharty, Hansen, Kimble, Kump, and Martin; with Delegates Ferrell, Heckert, Hillenbrand, Holstein, Hornby, Phillips, Roop, and Zatezalo being absent.

House Originating Bill 3517, Relating generally to fiscal emergencies of local governments; establishing a system to remediate those emergencies; requiring certain action be taken by the State Auditor or a designee; and modernizing the process for the dissolution of municipalities

Chairman Akers recognized counsel for purposes of explaining the bill. Chairman Akers called for questions of counsel. Chairman Akers called for amendments to the bill. Hearing none, Chairman Akers recognized Vice-Chairman Maynor for purposes of making a motion.

Vice-Chairman Maynor moved to report House Bill 3517 to the floor with the recommendation that it do pass. Chairman Akers called for discussion on the motion. Chairman Akers put the question before the committee on adoption of the motion to report the bill. The motion was adopted and Chairman Akers ordered the bill to be reported as moved

Chairman Akers called for miscellaneous business and recognized Delegate Kump to address the committee. Chairman Akers addressed the committee.

On Motion of Vice-Chairman Maynor, the committee adjourned.

Delegate JB Akers
Committee Chair

Mr. Daniel Osborne
Senior Clerk