



West Virginia Senate

Committee on Judiciary

Minutes for February 19, 2025, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on Judiciary met on February 19, 2025, 3:00 PM in Room 208-W.

Members present: Senators Stuart, Willis, Bartlett, Chapman, Charnock, Deeds, Fuller, Hart, Rose, Rucker, Tarr, Taylor, Weld, Garcia

Members absent: Senators Azinger, Helton, Martin

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

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

Adair Burgess, Director, Legislative Rule-Making Review Committee, explained the Rule-Making process to the committee and provided a handout (attached).

S. B. 336 - Governor's Committee on Crime, Delinquency, and Correction rule relating to sexual assault forensic examinations.

Debra Graham, 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 Willis, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

S. B. 246 - Violent Crime Prevention Act.

Kyler Carlisle, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, A. J. Gibes, Acting Special Agent in Charge, Louisville Field Division, Bureau of Alcohol, Tobacco, Firearms and Explosives, was administered the oath

prescribed by Senate Rule 28a by Chairman Stuart, addressed the committee, and responded to questions. (See attached oath.)

On motion of Senator Willis, the committee sent **S. B. 246** to a subcommittee. Chairman Stuart appointed Senators Fuller, Taylor, Tarr, Hart, and Garcia.

S. B. 136 - Modifying parole eligibility for person serving sentence for first degree murder.

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

With leave of the committee, Frank Hartman, representing the Prosecuting Attorney's Association, was administered the oath prescribed by Senate Rule 28a by Chairman Stuart, 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 Willis, the committee reported the committee substitute to the full Senate with the recommendation that it do pass.

On Motion of Senator Willis the committee adjourned.



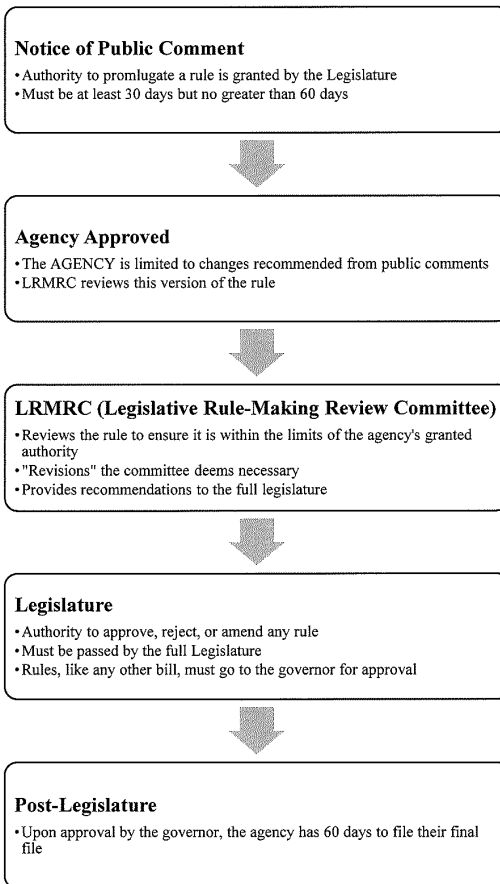
Michael B. Stuart

Chair



Beverly Douglas

Clerk/Analyst



Important Court Cases

Barker v. Manchin, 279 S.E.2d 622 (1981) (recommendations)

Kincaid v. Mangum, 189 W. Va. 404, 432 S.E.2d 74 (1993) (bundled by subject)

Meadows v. Hechler, 195 W. Va. 11 46 S.E.2d 586 (1995)(committees cannot “kill” a rule)

Frequently Used Terms:

LRMRC – Legislative Rule-Making Review Committee

Modification – a suggested change by LRMRC that the agency has agreed to make the suggested change

Amendment – a suggested change by LRMRC that agency did not agree to make the change

Bill of Authorization – is the bill drafted by legislative staff with includes the recommendation voted on by the LRMRC

Agency – executive branch entities include but are not limited to boards, commissions, agencies, public works office



The Senate of West Virginia

Remote/Virtual Testimony

Testimony taken this 19th day of February, 2025, in
the Senate Committee on the Judiciary.

"I swear to tell the truth, nothing but the truth, under penalty of
false swearing in a legislative proceeding, so help me God."

A. J. Gibbs

Print Witness Name

Beverly Douglas

Testimony Attested to

By Committee Clerk

Oath was administered by:

Michael B. Stuart

Print Member Name

Michael B. Stuart

Sign Member Name

The Senate of West Virginia



Testimony taken this 19th day of February, 2025, in
the Senate Committee on the Judiciary.

“I swear to tell the truth, nothing but the truth, under penalty of
false swearing in a legislative proceeding, so help me God.”

FRANK HARTMAN

Print Witness Name

[Handwritten Signature]

Sign Witness Name

Oath was administered by:

Michael B. Stuart

Print Member Name

Michael B. Stuart

Sign Member Name