



# West Virginia Senate

## Committee on Judiciary

Minutes for March 04, 2025, 3:00 PM

Pursuant to the call of the Chair, the Senate Committee on Judiciary met on March 04, 2025, 3:00 PM in Room 208-W.

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

Members absent: Senator 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.

**S. B. 325 - Department of Health rule relating to general provisions of Medical Cannabis Program.**

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. 521 - Requiring party affiliations be listed for all candidates.**

Chris Etheridge, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, David L. Cook, General Counsel, West Virginia Secretary of State, was administered the oath prescribed by Senate Rule 28a by Chairman Stuart, addressed the committee, and responded to questions. (See attached oath.)

Chairman Stuart move **S. B. 521** to the foot of the agenda.

**S. B. 612 - Making rules and regulations of PSC subject to legislative rule-making review procedures.**

Chris Etheridge, Counsel, explained the bill, and responded to questions.

With leave of the committee, Adair Burgess, Director, Legislative Rule-Making Commission, addressed the committee, and responded to questions.

With leave of the committee, Charlotte Lane, Chairman, West Virginia Public Service Commissions, was administered the oath prescribed by Senate Rule 28a by Chairman Stuart, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, David L. Cook, General Counsel, West Virginia Secretary of State, addressed the committee, and responded to questions.

Senator Tarr moved to amend the bill on page 1, line 4, after the word “rules”, by inserting the words “emergency rules,”.

Senator Tarr withdrew the amendment.

On motion of Senator Willis, the committee recommended the bill for passage.

**S. B. 121 - Updating language and increasing penalties for indecent exposure.**

Luke Bechtel, Committee Assistant and Joni Nichols, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

On motion of Senator Taylor the committee amended the committee substitute by inserting Chapter 15, Article 12 so that a conviction under Chapter 61, Article 8, Section 9, subsection (d) will require a person to register as a sex offender for 10 years.

On motion of Senator Weld the committee amended the committee substitute on page 2, line 25 after the word “person” by inserting “in which the person knows that the conduct is likely to cause affront or alarm to a person or persons to whom he or she exposes himself or herself” into subdivision (d).

The question being on agreeing to the committee substitute as amended, 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 as amended.

**S. B. 196 - Increasing penalties for drug possession and updating list of offenses.**

Joni Nichols, Counsel, explained the bill, the purpose of the proposed committee substitute, and responded to questions.

With leave of the committee, Jack Luikart, Director, West Virginia Fusion Center, was administered the oath prescribed by Senate Rule 28a by Chairman Stuart, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Ryan R. Blake, Greenbrier County Assistant Prosecuting Attorney, was administered the oath prescribed by Senate Rule 28a by Vice Chairman Willis, addressed the committee, and responded to questions. (See attached oath.)

With leave of the committee, Kenneth Matthews, WV Economic Justice Fellow, American Friends Service Committee, 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 Weld the committee amended the committee substitute (see attached amendment).

The question being on agreeing to the committee substitute as amended, 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 as amended.

Chairman Stuart laid over **S. B. 521**.

On Motion of Senator Willis the committee adjourned.



Michael B. Stuart

Chair



Beverly Douglas

Clerk/Analyst

The Senate of West Virginia



Testimony taken this 4<sup>th</sup> day of March, 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."

David Cook

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Michael B. Stuart

Print Member Name

Michael B. Stuart

Sign Member Name

The Senate of West Virginia



Testimony taken this 4<sup>th</sup> day of March, 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."

Charlotte Lane

Print Witness Name

Charlotte Lane

Sign Witness Name

Oath was administered by:

Michael B. Stuart

Print Member Name

Michael B. Stuart

Sign Member Name

The Senate of West Virginia



Testimony taken this 4<sup>th</sup> day of March, 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.”

JACK Luikart

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Michael B. Stuart

Print Member Name

Michael B. Stuart

Sign Member Name



The Senate of West Virginia

Remote/Virtual Testimony

Testimony taken this 4<sup>th</sup> day of March, 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.”

Ryan R. Blake

Print Witness Name

Beverly Douglas

Testimony Attested to

By Committee Clerk

Oath was administered by:

Tom Willis

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 4<sup>th</sup> day of March, 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.”

Kenneth Matthews

Print Witness Name

Ken Matthews

Sign Witness Name

Oath was administered by:

Michael B. Stuart

Print Member Name

Michael B. Stuart

Sign Member Name

(a) Any person who knowingly and willfully delivers a controlled substance or counterfeit controlled substance in violation of ~~the provisions of §60A-4-401~~ of this code for an illicit purpose and the use, ingestion, or consumption of the controlled substance or counterfeit controlled substance alone, or in combination with one or more other controlled substances, proximately causes the death of a person using, ingesting, or consuming the controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a determinate sentence of not less than ~~three~~ 10 years nor more than ~~45~~ 40 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of 10 years of his or her sentence.

(b) Any person who, while engaged in the illegal use of a controlled substance with another person, ~~who~~ knowingly fails to seek medical assistance for ~~such~~ the other person when the other person suffers an overdose of the controlled substance or suffers a significant adverse physical reaction to the controlled substance and the overdose or adverse physical reaction proximately causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ~~one year~~ two years nor more than ~~five~~ 10 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole prior to having served a minimum of two years of his or her sentence.

(c) The sentences provided in this section are mandatory. A person convicted of an offense set forth in this section is not eligible for probation, home incarceration, or to have his or her sentence suspended for any reason.

(d) As used in this section:

(1) The phrase "engaged in the illegal use of a controlled substance with another person" means being in the physical presence of a person engaged in illegal drug use and participating with him or her in illegal drug use, or while in the presence of a person engaged in illegal drug use knowingly facilitating illegal drug abuse by the other person so engaged.

(2) "Seek medical assistance" means contacting the 9-1-1 emergency system, a poison control facility, any type of first responder, a medical facility or medical professional capable of treating an overdose and in the case of an opioid overdose to administer or cause the administration of a commercially produced and medically recognized opioid antagonist.