



West Virginia Senate

Committee on Judiciary

Minutes for April 09, 2025, 9:30 AM

Pursuant to the call of the Chair, the Senate Committee on Judiciary met on April 09, 2025, 9:30 AM in Room 208-W.

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

Members absent: None

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

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

Chairman Stuart moved **H. B. 2802** to the top of the agenda.

H. B. 2802 - Relating to in-service training credits for law-enforcement officers.

Joni Nichols, Counsel, explained the bill, and responded to questions.

With leave of the committee, Delegate Jonathan Pinson, 17th District, addressed the committee, and responded to questions.

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

H. B. 3338 - Allow child witness testify remotely in situations deemed traumatic by judge.

Joni Nichols, Counsel, explained the bill, and responded to questions.

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

Chairman Stuart moved **H. B. 2054** next on the agenda.

H. B. 2054 - Relating to liability of vendors in private farmers markets.

Chris Etheredge, Counsel, explained the bill and proposed strike and insert amendment, and responded to questions.

Senator Rucker moved to amend the strike and insert amendment on page 3, line 58, by striking the number “\$15,000”, and inserting in lieu thereof the number “\$5,000”.

With leave of the committee, Anoop Bhasin, General Counsel, Alcohol Beverage Control Administration, was administered the oath prescribed by Senate Rule 28a by Chairman Stuart, addressed the committee, and responded to questions. (See attached oath.)

The motion being the adoption of the amendment, the same was put.

The Chair being in doubt, a division of the body was demanded by Chairman Stuart, which demand was sustained.

The vote being 9 in favor and 6 opposed, the amendment was adopted.

Senator Willis moved to adopt the strike and insert amendment.

The Chair being in doubt, a division of the body was demanded by Chairman Stuart, which demand was sustained.

The vote being 4 in favor, and 12 opposed, the strike and insert amendment as amended was rejected.

Senator Rucker moved to amend the bill on page 4, line 58, by striking the number “\$15,000”, and inserting in lieu thereof the number “\$5,000”.

The Chair being in doubt, a division of the body was demanded by Chairman Stuart, which demand was sustained.

The vote being 9 in favor and 6 opposed, the amendment was adopted.

Senator Rucker moved to amend the bill on page 42, by reinserting S4N language.

The Chair being in doubt, a division of the body was demanded by Chairman Stuart, which demand was sustained.

The vote being 7 in favor and 9 opposed, the amendment was rejected.

Senator Willis moved to report the bill to the full Senate with the recommendation that it do pass as amended.

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

On the adoption of the motion to report the yeas were: Charnock, Garcia, Rucker, Willis, and Stuart (Mr. Chairman) – 5

The nays were: Azinger, Bartlett, Chapman, Deeds, Fuller, Hart, Helton, Rose, Tarr, Taylor, and Weld – 11.

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

Chairman Stuart moved **H. B. 2511** next on the agenda

H. B. 2511 - Relating to charitable bingo and alcohol sales and consumption while such bingo is taking places.

Kyler Carlisle, Counsel, explained the bill and proposed strike and insert amendment, and responded to questions.

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

Senator Willis moved to report the bill to the full Senate with the recommendation that it do pass as amended.

The Chair being in doubt a division of the body was demanded by Chairman Stuart, which demand was sustained.

The vote being 8 in favor and 8 opposed, the motion to report was rejected.

Chairman Stuart moved **H. B. 2961** next on the agenda.

H. B. 2961 - To amend the law concerning ownership and possession of real property.

Chris Etheredge, Counsel, explained the bill and proposed strike and insert amendment, and responded to questions.

With leave of the committee, Delegate Bill Ridenour, District 100, addressed the committee, and responded to questions.

On motion of Chairman Stuart, the committee recessed.

At the expiration of the recess, the committee reconvened.

Senator Weld moved to amend the strike and insert amendment on page 3, line 8, subsection (d), to direct a portion of the proceeds to the prohibited foreign party.

Senator Weld withdrew his amendment

On motion of Senator Taylor, the committee amended the strike and insert amendment on page 2, before line 14, by inserting the following: "People's Republic of China" means all provinces and autonomous regions of the People's Republic of China, including the Hong Kong Special Administrative Region and the Macao Special Administrative Region, but does not include Taiwan."

Senator Tarr moved to amend on page 2, by striking (D) in its entirety and inserting in lieu thereof the following: "(D) Any foreign government, entity, or individual identified by a majority of the Governor, Treasurer, Agriculture Commissioner, Auditor, Attorney General, and Secretary of State, in consultation with the Secretary of Homeland Security, as hostile to the interests of the United States or the State of West Virginia: *Provided*, That in the event of a tie, the Secretary of Homeland Security's vote shall serve as the tie-breaking vote."

Senator Tarr reformed his amendment to state that the Governor will make the tie-breaking vote in lieu of the Secretary of Homeland Security.

The same was put, and the amendment was adopted.

On motion of Senator Weld, the committee amended the strike and insert amendment on page 3, line 8, by replacing subsection (d) with the following: "(d) Proceeds of the sale shall first be distributed to lienholders according to priority, excluding liens that remain on the real estate under the terms of the sale, and any remaining funds shall be remitted to the prohibited foreign party. Lienholders may credit bid at the sale."; And, on page 3, line 10, by replacing "(e)" with (f)";

On motion of Senator Willis, the committee adopted the strike and insert amendment as amended.

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

On motion of Senator Helton, the committee reconsidered the action on **H. B. 2511**.

On motion of Senator Willis, the committee withdrew the motion for recommendation for passage

On motion of Senator Willis the committee reported the strike and insert amendment to the full Senate with the recommendation that it do pass.

Senator Helton moved to reconsider its action by which they rejected the motion to report **H. B. 2054**.

The same was put, and the Chair being in doubt a division of the body was demanded by Chairman Stuart, which demand was sustained.

The vote being 9 in favor, and 7 opposed, the motion was adopted.

Unanimous consent being granted, Senator Willis withdrew his motion to report the committee substitute for H. B. 2054 to the full Senate with a recommendation for passage.

On motion of Senator Rucker, the committee withdrew the amendment to the bill.

On motion of Senator Tarr, the committee amended the bill to insert the strike and insert amendment as originally proposed in committee.

Senator Willis moved to report the strike and insert amendment to the full Senate with the recommendation that it do pass as amended.

The same was put, the Chair being in doubt, a division of the body was demanded by Chairman Stuart, which demand was sustained.

The vote being 9 in favor and 7 opposed, the motion was adopted.

H. B. 3016 - Photo voter ID.

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

With leave of the committee, Delegate Erica Moore, District 15, addressed the committee, and responded to questions.

On motion of Senator Weld, the committee amended the strike and insert amendment on page 8, line 198, at the beginning of the sentence by inserting “There is no requirement that”, and striking the word “not”.

On motion of Senator Rucker, the committee amended the strike and insert amendment on page 2, lines 28 through 31, by striking the proviso, and on page 10, line 15, by striking subdivision (2) in its entirety.

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

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

H. B. 3336 - Well Plugging methods.

Candace Kraus, Counsel, explained the bill, and responded to questions.

With leave of the committee, David McMahon, Attorney, Surface Owners Right Association, 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 reported the bill to the full Senate with the recommendation that it do pass.

H. B. 3503 - Relating to regulation by counties, municipalities, and political subdivisions of commercial horticulture under the Water Pollution Control Act.

Candace Kraus, Counsel, explained the bill, and responded to questions.

With leave of the committee, Delegate Mike Hornby, District 93, addressed the committee, and responded to questions.

With leave of the committee, Jason Wandling, General Counsel, West Virginia Department of Environmental Protection, 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 bill on page 1, line 6, after the word “Act” by inserting “as provided in 22-11-1 *et seq* of this code”, and on line 9, by striking the word “the” by inserting in lieu thereof the word “said”.

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

H. B. 2066 - Creating a crime for the destruction of first responder equipment.

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

On motion of Senator Weld, the committee amended the bill on page 1, line 3, after the word “state” by inserting “or a private entity that has contracted with the state or a county or municipality of the state for the performance of emergency response duties”.

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

H. B. 2634 - To double the criminal penalty for anyone found guilty of sexual assault on a minor.

Joni Nichols, Counsel, explained the bill, and responded to questions.

On motion of Senator Weld, the committee amended the bill on page 2, line 14, after the word “induces” by inserting “or attempts to procure, authorize, or induce”

On motion of Senator Weld the committee amended the bill on page 2, line 9, after the word “year” by inserting “nor more than three years”.

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

H. B. 3014 - Relating generally to liability of hospital police.

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

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

H. B. 2451 - To facilitate the creation of home-based businesses.

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

With leave of the committee, Juliette Terry, Opportunity Solutions Project, was administered the oath prescribed by Senate Rule 28a by Chairman Stuart, addressed the committee, and responded to questions. (See attached oath.)

Delegate Mike Hornby addressed the committee and responded to questions.

On motion of Senator Garcia, the committee amended the strike and insert amendment on page 1, on line 4, by striking "(c) "No-impact home-based business" means a business" and on line 5, by striking the word "either" and also striking "or on the outdoor premises of a residential dwelling"

On motion of Senator Willis, the committee adopted the strike and insert amendment as amended.

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

On motion of Senator Stuart, the committee reported bills H. B. 2710, H. B. 2816, H. B. 3162, H. B. 3167, H. B. 3294, H. B. 3504, and H. B. 3513 to the full Senate with no recommendation as to passage, to be read a first time, and rereferred to the Committee on Judiciary.

On motion of Chairman Stuart, the committee recessed.

At the expiration of the recess, the committee reconvened.

Chairman Stuart moved **H. B. 3434** next on the agenda

H. B. 3434 - Relating to the controlled substance schedules and to clean-up errors identified in the code sections.

Joni Nichols, Counsel, explained the bill, and responded to questions.

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

Chairman Stuart moved **H. B. 3294** next on the agenda.

H. B. 3294 - Enacting the Bank Protections for Eligible Adults from Financial Exploitation Act.

Kyler Carlisle, Counsel, explained the bill and proposed strike and insert amendment, and responded to questions.

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

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

Chairman Stuart moved **H. B. 3162** next on the agenda

H. B. 3162 - Providing that causes of action under Chapter 46A of the Code of West Virginia survive the death of the party.

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

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

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

Chairman Stuart moved **H. B. 3513** next on the agenda.

H. B. 3513 - Relating to standards of liability and insurance requirements in certain civil actions.

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

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

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

Chairman Stuart moved **H. B. 3504** next on the agenda

H. B. 3504 - Relating to protecting critical infrastructure; and defining terms.

J. A. Curia, Counsel, explained the bill, and responded to questions.

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

Chairman Stuart moved **H. B. 2347** next on the agenda.

H. B. 2347 - Relating generally to the creation of mental hygiene regions by the Supreme Court of Appeals.

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

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

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

Chairman Stuart moved **H. B. 3167** next on the agenda.

H. B. 3167 - To require hair follicle drug testing of parents or guardians in cases of substantiated child abuse or neglect of a minor.

Joni Nichols, Counsel, explained the bill, and responded to questions.

Chairman Stuart laid over the bill.

Chairman Stuart moved **H. B. 2816** next on the agenda.

H. B. 2816 - Relating to clarifying secondary sources are not the law and public policy of West Virginia in certain instances.

J. A. Curia, Counsel, explained the bill, and responded to questions.

Chairman Stuart laid over the bill

Chairman Stuart moved **H. B. 2710** next on the agenda.

H. B. 2710 - Truth in Giving.

J. A. Curia, Counsel, explained the bill, and responded to questions.

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

Chairman Stuart moved **H. B. 3164** next on the agenda.

H. B. 3164 - Requiring registered sex offenders pay annual fee.

Joni Nichols, Counsel, explained the bill, and responded to questions.

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

On Motion of Senator Stuart the committee adjourned.



Michael B. Stuart
Chair



Beverly Douglas
Clerk/Analyst

The Senate of West Virginia



Testimony taken this 9th day of April, 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."

Anoop Bhasin

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Michael B. Stuart

Print Member Name

[Signature]

Sign Member Name

The Senate of West Virginia



Testimony taken this 9th day of April, 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 M. Kelly

Print Witness Name

WKelly

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 9th day of April, 20 25, 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.”

JASON WANDLING

Print Witness Name

Jason Wandling

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 9th day of April, 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.”

Juliet A. Terry

Print Witness Name

[Signature]

Sign Witness Name

Oath was administered by:

Michael B. Stuart

Print Member Name

Michael B. Stuart

Sign Member Name

ROLL CALL

COMMITTEE ON THE JUDICIARY

Mike Stuart, *Chair*

DATE April 9, 2025 TIME 9:30am
 QUESTION Vote to report H.B. 2054

ATTENDANCE

ROLL CALL VOTES

	NAME	PRESENT	ABSENT	YEA	NAY
/ •	Azinger	✓			✓
/ •	Bartlett	✓			✓
/ •	Chapman	✓			✓
/ •	Charnock	✓		✓	
/ •	Deeds	✓			✓
/ •	Fuller	✓			✓
/ •	Garcia	✓		✓	
/ •	Hart	✓			✓
/ •	Helton	✓			✓
/ •	Martin	✓			
/ •	Rose	✓			✓
/ •	Rucker	✓		✓	
/ •	Tarr	✓			✓
/ •	Taylor	✓			✓
/ •	Weld	✓			✓
/ •	Willis	✓		✓	
/ •	Stuart	✓		✓	
8 3	TOTALS			5	11

Not present
for vote