

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2521**

5
6 (By Delegate Frazier)

7 [Passed March 6, 2012; in effect ninety days from passage.]

8
9
10 AN ACT to amend and reenact §48-27-311 and §48-27-701 of the Code
11 of West Virginia, 1931, as amended, relating to prevention and
12 treatment of domestic violence generally; eliminating the
13 requirement of serving domestic violence orders by certified
14 mail where personal service fails; authorizing fee to law
15 enforcement for service of process; and clarifying that
16 personal service must be attempted at every address for
17 respondent provided by petitioner.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §48-27-311 and §48-27-701 of the Code of West Virginia,
20 1931, as amended, be amended and reenacted to read as follows:

21 **ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

22 **§48-27-311. Service of process.**

23 A protective order may be served on the respondent by means of
24 a Class I legal advertisement published notice, with the

1 publication area being the most current known county in which the
2 respondent resides, published in accordance with the provisions of
3 section two, article three, chapter fifty-nine of this code if
4 personal service by law enforcement has been unsuccessful.
5 Simultaneously with the publication, the respondent shall be served
6 with the protective order and the order of publication by first
7 class mail to the respondent's most current known residential
8 address.

9 Any protective order issued by the court of this state which
10 is served in compliance with the provisions of Rule 4(f) of the
11 West Virginia Rules of Civil Procedure served outside the
12 boundaries of this state shall carry the same force and effect as
13 if it had been personally served within this state's boundaries.

14 **§48-27-701. Service of pleadings and orders by law-enforcement**
15 **officers.**

16 Notwithstanding any other provision of this code to the
17 contrary, all law-enforcement officers are hereby authorized to
18 serve all pleadings and orders filed or entered pursuant to this
19 article on Sundays and legal holidays. No law-enforcement officer
20 shall refuse to serve any pleadings or orders entered pursuant to
21 this article. Law enforcement shall attempt to serve all protective
22 orders without delay: *Provided*, That service of process shall be
23 attempted within seventy-two hours of law enforcement's receipt of
24 the order to every address provided by petitioner. Any law-

1 enforcement agency that serves pleadings or orders pursuant to this
2 section may receive the fee authorized therefor by Rule 4 of the
3 Rules of Practice and Procedure for Domestic Violence Civil
4 Proceedings. If service is not made, law enforcement shall continue
5 to attempt service on the respondent until proper service is made.