

# **WEST VIRGINIA LEGISLATURE**

**SECOND REGULAR SESSION, 2012**



# **ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2521**

(By Delegate Frazier)



Passed March 6, 2012

To Take Effect Ninety Days From Passage

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 2521

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(BY DELEGATE FRAZIER)

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[Passed March 6, 2012; to take effect ninety days from passage.]

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

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

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

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

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

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

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

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

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

1 Notwithstanding any other provision of this code to the  
2 contrary, all law-enforcement officers are hereby authorized  
3 to serve all pleadings and orders filed or entered pursuant to  
4 this article on Sundays and legal holidays. No law-  
5 enforcement officer shall refuse to serve any pleadings or  
6 orders entered pursuant to this article. Law enforcement shall  
7 attempt to serve all protective orders without delay:  
8 *Provided*, That service of process shall be attempted within  
9 seventy-two hours of law enforcement's receipt of the order  
10 to every address provided by petitioner. Any law-  
11 enforcement agency that serves pleadings or orders pursuant  
12 to this section may receive the fee authorized therefor by  
13 Rule 4 of the Rules of Practice and Procedure for Domestic  
14 Violence Civil Proceedings. If service is not made, law  
15 enforcement shall continue to attempt service on the  
16 respondent until proper service is made.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*