

COMMITTEE SUBSTITUTE

FOR

**H. B. 4307**

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(BY DELEGATES MILEY, FRAZIER, LONGSTRETH,  
BARILL AND JONES)

[BY REQUEST OF THE SUPREME COURT OF APPEALS]

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(Originating in the Committee on the Judiciary)

[February 24, 2012]

A Bill to amend and reenact §48-27-502 and §48-27-1101 of the Code of West Virginia, 1931, as amended, all relating to domestic violence generally; clarifying that the practice and procedure for domestic violence civil proceedings are governed by court rule; providing that a prohibition against possessing firearms and ammunition is a mandatory provision for domestic violence protective orders; and, providing that a domestic violence protective order state that possession of firearms and ammunition while subject to domestic violence protective order is a criminal violation of state and federal law.

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

That §48-27-502 and §48-27-1101 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**CHAPTER 48. DOMESTIC RELATIONS.**

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

1 **§48-27-502. Mandatory provisions in protective order.**

2 (a) A protective order must order the respondent to  
3 refrain from abusing, harassing, stalking, threatening or  
4 otherwise intimidating the petitioner or the minor children, or  
5 engaging in other conduct that would place the petitioner or  
6 the minor children in reasonable fear of bodily injury.

7 (b) The protective order must prohibit the respondent  
8 from possessing any firearm or ammunition.

9 ~~(b)~~ (c) The protective order must inform the respondent  
10 that he or she is prohibited from possessing any firearm or  
11 ammunition ~~notwithstanding the fact that the respondent may~~  
12 ~~have a valid license to possess a firearm, and that possession~~

13 of a firearm or ammunition while subject to the court's  
14 protective order is a criminal offense under ~~federal law~~ state  
15 and federal law, notwithstanding the fact that the respondent  
16 might otherwise have a right to possess a firearm.

17 (c) ~~(d)~~ The protective order must inform the respondent  
18 that the order is in full force ~~and effect~~ in every county of this  
19 state.

20 (d) ~~(e)~~ The protective order must contain on its face the  
21 following statement, printed in bold-faced type or in capital  
22 letters:

23 “VIOLATION OF THIS ORDER MAY BE PUNISHED  
24 BY CONFINEMENT IN A REGIONAL JAIL FOR AS  
25 LONG AS ONE YEAR AND BY A FINE OF AS MUCH  
26 AS \$2,000”.

**§48-27-1101. Rules of practice and procedure; forms to be provided; operative date.**

1 (a) Pleadings, practice and procedure in domestic  
2 violence matters before the court are governed by the rules of  
3 practice and procedure for domestic violence civil

4 proceedings promulgated by the West Virginia Supreme  
5 Court of Appeals.

6 (b) The West Virginia Supreme Court of Appeals shall  
7 prescribe forms which are necessary and convenient for  
8 proceedings pursuant to this article and the court shall  
9 distribute such forms to the clerk of the circuit court, the  
10 secretary-clerk of the family court and the clerk of magistrate  
11 court of each county within the state.

12 ~~(b) The amendment enacted to this article by the passage~~  
13 ~~of Engrossed Committee Substitute for Senate Bill No. 652~~  
14 ~~during the regular session of the Legislature in the year two~~  
15 ~~thousand one is effective the first day of September, two~~  
16 ~~thousand one.~~