

1 **COMMITTEE SUBSTITUTE**

2 **FOR**

3 **Senate Bill No. 461**

4 (By Senators Cookman, Beach, Fitzsimmons, D. Hall, Jenkins,
5 Laird, Williams, Unger, Kessler (Mr. President), Stollings,
6 Chafin, Miller, Snyder, Plymale and Palumbo)

7 _____
8 [Originating in the Committee on the Judiciary;
9 reported March 20, 2013.]
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12
13 A BILL to amend the Code of West Virginia, 1931, as amended, by
14 adding thereto four new sections, designated §48-1-401,
15 §48-1-402, §48-1-403 and §48-1-404; to amend said code by
16 adding thereto a new article, designated §49-1A-1, §49-1A-2,
17 §49-1A-3 and §49-1A-4; and to amend and reenact §62-6B-2, §62-
18 6B-3 and §62-6B-4 of said code, all relating to child
19 witnesses; creating procedures and protections for child
20 witnesses in domestic relations and child abuse and neglect
21 proceedings; amending procedures and protections for child
22 witnesses in criminal proceedings; setting forth the rights of
23 child witnesses; establishing the procedure and safeguards to
24 be used when taking testimony of a child witness; setting
25 criteria that a court should use when addressing child
26 witnesses; permitting a court in certain instances to permit
27 a child witness to give testimony by closed-circuit
28 television; establishing certain procedures to be used when

1 taking testimony of a child witness by closed-circuit
2 television; protecting recordings made of statements by child
3 witnesses; providing for confidentiality; providing for
4 criteria for instances when the child witness may also be a
5 victim; permitting a support person and other accommodations
6 for a child witness in certain situations; defining terms;
7 increasing the age of a child witness in criminal cases;
8 adjusting findings that must be made with regard to certain
9 child witnesses; updating procedures for taking testimony of
10 child witnesses by closed-circuit television in criminal
11 cases; removing the option from criminal defendants to absent
12 themselves from the courtroom during child witness testimony
13 in lieu of testimony by closed-circuit television; providing
14 additional accommodations available to a court for child
15 witnesses in criminal cases; and setting requirements for use
16 of recordings of child witnesses.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto four new sections, designated §48-1-401,
20 §48-1-402, §48-1-403 and §48-1-404; that said code be amended by
21 adding thereto a new article, designated §49-1A-1, §49-1A-2, §49-
22 1A-3 and §49-1A-4; and that §62-6B-2, §62-6B-3 and §62-6B-4 of said
23 code be amended and reenacted, all to read as follows:

24 **CHAPTER 48. DOMESTIC RELATIONS.**

25 **ARTICLE 1. GENERAL PROVISIONS; DEFINITIONS.**

26 **PART IV. CHILD WITNESSES**

27 **§48-1-401. Additional definition with regard to child witnesses.**

28 For the purposes of this article, regarding child witnesses,

1 "child" means any person who is under the age of eighteen years of
2 age.

3 **§48-1-402. Rights of child witnesses in proceedings held pursuant**
4 **to this chapter.**

5 When a child permitted to testify under other law or rule is
6 called to testify in court or by closed-circuit television, they
7 may have the following accommodations granted to them, if the
8 child's testimony is sought for any stage of a proceeding held
9 pursuant to this chapter:

10 (1) Upon motion made by the child's representative or any
11 party to the proceeding, or *sua sponte*, the taking of testimony
12 from a child may be limited in duration and/or set at a time that
13 accommodates the child's school and activity schedule. The court
14 may order temporary breaks in the proceedings when the energy,
15 comfort or attention span of the child warrants;

16 (2) Upon motion made by the child's representative or any
17 party to the proceeding, or *sua sponte*, the court may allow the
18 child to have a toy, blanket or similar item in his or her
19 possession while testifying.

20 (3) Upon motion made by the child's representative or any
21 party to the proceeding, or *sua sponte*, the court may designate a
22 support person, who shall be present in the courtroom, in view of
23 the child witness. The support person may not provide the child
24 with an answer to any question directed to the child during the
25 course of the child's testimony or otherwise prompt the child or
26 influence the testimony of the child. If the support person
27 attempts to influence or affect in any manner the testimony of the
28 child at any time the court shall exclude that support person. As

1 long as the support person does not obscure the child from the view
2 of the parties or the trier of fact, the court may allow the
3 support person to remain in close proximity to the child during the
4 child's testimony if:

5 (A) All parties agree; or

6 (B) If the movant proves by a preponderance of evidence that:

7 (i) The child in question cannot reliably testify without the
8 support person in his or her presence; and

9 (ii) Allowing the support person is not likely to prejudice
10 the trier of fact in hearing and evaluating the child's testimony.

11 (4) Upon motion made by the child's representative or any
12 party to the proceeding, or *sua sponte*, the court may order such
13 accommodations as are appropriate under the circumstances to ensure
14 the comfort of a child witness, including, but not limited to, the
15 following measures:

16 (A) Adjusting the layout of the courtroom or hearing room;

17 (B) Conducting the proceedings outside the normal courtroom;

18 (C) Relaxing the formalities of the proceedings;

19 (D) Permitting properly trained facility animals to be present
20 in the hearing; or

21 (E) Permitting the use of a properly constructed screen, which
22 would permit the persons in the courtroom or hearing room to see
23 the child but would obscure the child's view of the parties.

24 (5) In circumstances where a party has chosen to proceed
25 without counsel, the court may appoint stand-by counsel for that
26 party and may order stand-by counsel to question a child witness on
27 behalf of the pro se party, if the court finds that there is a
28 substantial likelihood that emotional harm would come to the child

1 if the pro se party were allowed to question the child directly.

2 (6) The court shall encourage and permit the use of
3 age-appropriate and developmentally appropriate language, both in
4 questions to the child witness and also in explanations of the
5 court process for the child witness.

6 (7) If the child is also a victim, the court shall ensure that
7 all steps necessary to secure the physical safety of the child,
8 both in the courtroom and during periods of time that the child may
9 spend waiting in court, have been taken.

10 (8) The court shall take all steps necessary to ensure that
11 any sensitive information, including address or physical location
12 of the child witness and/or the immediate family of the child
13 witness, remains confidential.

14 (9) For any case in which the child witness is alleged to have
15 been emotionally, sexually and/or physically abused, the child's
16 representative shall be given notice of pretrial discovery motions,
17 with that notice being required to be given in sufficient time to
18 allow the guardian ad litem or counsel for the child to file any
19 pleadings, motions or responses deemed appropriate to the
20 situation.

21 **§48-1-403. Protection of recordings made of statements of child**
22 **witnesses.**

23 (a) Upon the filing of an action pursuant to this chapter, any
24 videotape or other type of recording of a statement of a child
25 witness concerning matters that are the subject of that court
26 proceeding is the property of the court for the purpose of
27 protecting the privacy of the child. The recordings shall be made
28 available to counsel and the parties for viewing purposes, but may

1 not be duplicated without an order of the court which specifies to
2 whom the duplicate records are to be given and the purpose of the
3 use of the recording by that individual. The order shall also
4 prohibit the recording from being shown to unauthorized
5 individuals, prohibit the recording from being further duplicated
6 and require the return to the court of all copies of the recording
7 at the conclusion of the stated purpose.

8 (b) Upon return of the recording to the court, the recording
9 shall be placed in a sealed file within the court's official file.

10 **§48-1-404. Further procedures in rule.**

11 Court rules of procedure may expand upon the procedures set
12 forth in this article, as necessary to ensure the interests of
13 justice are served.

14 **CHAPTER 49. CHILD WELFARE.**

15 **ARTICLE 1A. PROCEDURES FOR TESTIMONY OF CHILDREN.**

16 **§49-1A-1. Additional definition with regard to child witnesses.**

17 For the purposes of this article, regarding child witnesses
18 "child" means any person who is under the age of eighteen years of
19 age.

20 **§49-1A-2. Rights of child witnesses in proceedings held pursuant to
21 this chapter.**

22 When a child permitted to testify under other law or rule is
23 called to testify in court or by closed-circuit television, they
24 may have the following accommodations granted to them, if the
25 child's testimony is sought for any stage of a proceeding held
26 pursuant to this chapter:

27 (1) Upon motion made by the child's representative or any
28 party to the proceeding, or *sua sponte*, the taking of testimony

1 from a child may be limited in duration and/or set at a time that
2 accommodates the child's school and activity schedule. The court
3 may order temporary breaks in the proceedings when the energy,
4 comfort or attention span of the child warrants;

5 (2) Upon motion made by the child's representative or any
6 party to the proceeding, or *sua sponte*, the court may allow the
7 child to have a toy, blanket or similar item in his or her
8 possession while testifying.

9 (3) Upon motion made by the child's representative or any
10 party to the proceeding, or *sua sponte*, the court may designate a
11 support person, who shall be present in the courtroom, in view of
12 the child witness. The support person may not provide the child
13 with an answer to any question directed to the child during the
14 course of the child's testimony or otherwise prompt the child or
15 influence the testimony of the child. If the support person
16 attempts to influence or affect in any manner the testimony of the
17 child at any time the court shall exclude that support person. As
18 long as the support person does not obscure the child from the view
19 of the parties or the trier of fact, the court may allow the
20 support person to remain in close proximity to the child during the
21 child's testimony if:

22 (A) All parties agree; or

23 (B) If the movant proves by a preponderance of evidence that:

24 (i) The child in question cannot reliably testify without the
25 support person in his or her presence; and

26 (ii) Allowing the support person is not likely to prejudice
27 the trier of fact in hearing and evaluating the child's testimony.

28 (4) Upon motion made by the child's representative or any

1 party to the proceeding, or *sua sponte*, the court may order such
2 accommodations as are appropriate under the circumstances to ensure
3 the comfort of a child witness, including, but not limited to, the
4 following measures:

5 (A) Adjusting the layout of the courtroom or hearing room;

6 (B) Conducting the proceedings outside the normal courtroom;

7 (C) Relaxing the formalities of the proceedings;

8 (D) Permitting properly trained facility animals to be present
9 in the hearing; or

10 (E) Permitting the use of a properly constructed screen, which
11 would permit the persons in the courtroom or hearing room to see
12 the child but would obscure the child's view of the parties.

13 (5) In circumstances where a party has chosen to proceed
14 without counsel, the court may appoint stand-by counsel for that
15 party and may order stand-by counsel to question a child witness on
16 behalf of the pro se party, if the court finds that there is a
17 substantial likelihood that emotional harm would come to the child
18 if the pro se party were allowed to question the child directly.

19 (6) The court shall encourage and permit the use of
20 age-appropriate and developmentally appropriate language, both in
21 questions to the child witness and also in explanations of the
22 court process for the child witness.

23 (7) If the child is also a victim, the court shall ensure that
24 all steps necessary to secure the physical safety of the child,
25 both in the courtroom and during periods of time that the child may
26 spend waiting in court, have been taken.

27 (8) The court shall take all steps necessary to ensure that
28 any sensitive information, including address or physical location

1 of the child witness and/or the immediate family of the child
2 witness, remains confidential.

3 (9) For any case in which the child witness is alleged to have
4 been emotionally, sexually and/or physically abused, the child's
5 representative shall be given notice of pretrial discovery motions,
6 with that notice being required to be given in sufficient time to
7 allow the guardian ad litem or counsel for the child to file any
8 pleadings, motions or responses deemed appropriate to the
9 situation.

10 **§49-1A-3. Protection of recordings made of statements of child**
11 **witnesses.**

12 (a) Upon the filing of an action pursuant to this chapter, any
13 videotape or other type of recording of a statement of a child
14 witness concerning matters that are the subject of this court
15 proceeding is the property of the court for the purpose of
16 protecting the privacy of the child. The recordings shall be made
17 available to counsel and the parties for viewing purposes, but may
18 not be duplicated without an order of the court which specifies to
19 whom the duplicate records are to be given and the purpose of the
20 use of the recording by that individual. The order shall also
21 prohibit the recording from being shown to unauthorized
22 individuals, prohibit the recording from being further duplicated
23 and require the return to the court of all copies of the recording
24 at the conclusion of the stated purpose.

25 (b) Upon return of the recording to the court, the recording
26 shall be placed in a sealed file within the court's official file.

27 **§49-1A-4. Further procedures in rule.**

28 Court rules of procedure may expand upon the procedures set

1 forth in this article, as necessary to ensure the interests of
2 justice are served.

3 **CHAPTER 62. CRIMINAL PROCEDURE.**

4 **ARTICLE 6B. PROTECTION AND PRESERVATION OF STATEMENTS AND**
5 **TESTIMONY OF CHILD WITNESS.**

6 **§62-6B-2. Definitions.**

7 For the purposes of this article, the words or terms defined
8 in this section, and any variation of those words or terms required
9 by the context, have the meanings ascribed to them in this section.
10 These definitions are applicable unless a different meaning clearly
11 appears from the context.

12 (1) "Child witness" means a person ~~thirteen years of age or~~
13 ~~less~~ under the age of sixteen years of age who is or will be called
14 to testify in a criminal matter ~~concerning an alleged violation of~~
15 ~~the provisions of sections three, four, five and seven, article~~
16 ~~eight b, chapter sixty-one of this code in which the child is the~~
17 ~~alleged victim~~ and who is alleged to be a victim of a crime or a
18 witness to an alleged crime.

19 (2) "Live, ~~two-way~~ closed-circuit television" means a
20 simultaneous transmission, by closed-circuit television or other
21 electronic means, between the courtroom and the testimonial room.

22 (3) "Operator" means the individual authorized by the court to
23 operate the ~~two-way~~ closed-circuit television equipment used in
24 accordance with the provisions of this article.

25 (4) "Testimonial room" means a room within the courthouse
26 other than the courtroom from which the testimony of a child
27 witness or the defendant is transmitted to the courtroom by means
28 of live, ~~two-way~~ closed-circuit television.

1 **§62-6B-3. Findings of fact required for taking testimony of child**
2 **witness by closed-circuit television; considerations**
3 **for court.**

4 (a) Upon a written motion filed by the prosecuting attorney,
5 the child's attorney or the child's guardian ad litem, and upon
6 findings of fact determined pursuant to subsection (b) of this
7 section, a circuit court may order that the testimony of a child
8 witness may be taken at a pretrial proceeding or at trial through
9 the use of live, ~~two-way~~ closed-circuit television.

10 (b) Prior to ordering that the testimony of a child witness
11 may be taken through the use of live, ~~two-way~~ closed-circuit
12 television, the circuit court must find by clear and convincing
13 evidence, after conducting an evidentiary hearing on this issue,
14 that:

15 (1) The child is an otherwise competent witness;

16 (2) ~~That, absent~~ The use of live, ~~two-way~~ closed-circuit
17 television is necessary to protect the welfare of the child
18 witness; ~~will be unable to testify due solely to being required to~~
19 ~~be in the physical presence of the defendant while testifying;~~

20 (3) The child witness: ~~can only testify if live, two-way~~
21 ~~closed-circuit television is used in the trial; and~~

22 (A) Is unable to testify because of fear of doing so in the
23 physical presence of the defendant;

24 (B) Would be harmed by testifying in the physical presence of
25 the defendant; or

26 (C) Conduct by the defendant or defense counsel causes the
27 child witness to be unable to testify; and

28 (4) Any fear, harm or inability found under subdivision (3) of

1 this subsection is more than the typical *de minimis* nervousness or
2 excitement associated with being a witness in court.

3 ~~(4) That the state's ability to proceed against the defendant~~
4 ~~without the child witness' live testimony would be substantially~~
5 ~~impaired or precluded.~~

6 (c) The court shall consider the following factors in
7 determining the necessity of allowing a child witness to testify by
8 the use of live, ~~two-way~~ closed-circuit television:

9 (1) The age and maturity of the child witness;

10 (2) The facts and circumstances of the alleged offense;

11 (3) The necessity of the child's live testimony to the
12 prosecution's ability to proceed; and

13 ~~(4) Whether or not the facts of the case involve the alleged~~
14 ~~infliction of bodily injury to the child witness or the threat of~~
15 ~~bodily injury to the child or another; and~~

16 ~~(5)~~ (4) Any mental or physical handicap of the child witness.

17 (d) In determining whether to allow a child witness to testify
18 through live, ~~two-way~~ closed-circuit television the court ~~shall~~ may
19 appoint a psychiatrist, licensed psychologist with at least five
20 years clinical experience or a licensed clinical social worker with
21 at least five years of significant clinical experience in the
22 treatment and evaluation of children who shall serve as an advisor
23 or friend of the court to provide the court with an expert opinion
24 as to whether, to a reasonable degree of professional certainty,
25 the child witness will suffer severe emotional harm, be unable to
26 testify based solely on being in the physical presence of the
27 defendant while testifying and that the child witness does not
28 evidence signs of being subjected to undue influence or coercion.

1 The opinion of the psychiatrist, licensed psychologist or licensed
2 clinical social worker shall be filed with the circuit court at
3 least thirty days prior to the final hearing on the use of live,
4 ~~two-way~~ closed-circuit television and the defendant shall be
5 allowed to review the opinion and present evidence on the issue by
6 the use of an expert or experts or otherwise.

7 **§62-6B-4. Procedures required for taking testimony of child**
8 **witness by closed-circuit television; election of**
9 **defendant; jury instruction; sanction for failure to**
10 **follow procedures; additional accommodation options;**
11 **recordings and confidentiality.**

12 ~~(a) If the court determines that the use of live, two-way~~
13 ~~closed circuit testimony is necessary and orders its use the~~
14 ~~defendant may, at any time prior to the child witness being called,~~
15 ~~elect to absent himself from the courtroom during the child~~
16 ~~witness' testimony. If the defendant so elects the child shall be~~
17 ~~required to testify in the courtroom.~~

18 ~~(b)(1)~~ (a) If live, ~~two-way~~ closed-circuit television is used
19 in the testimony of the child witness, he or she shall be taken
20 into the testimonial room and be televised live, by ~~two-way~~ closed-
21 circuit equipment to the view of the defendant, counsel, the court
22 and, if applicable, the jury. ~~The projected image of the defendant~~
23 ~~shall be visible for child witness to view if he or she chooses to~~
24 ~~do so and the view of the child witness available to those persons~~
25 ~~in the courtroom shall include a full body view. Only The live,~~
26 closed-circuit television testimony shall be presented to the jury
27 such that the jury has a clear image of the witness and all other
28 persons present within the testimonial room. The prosecuting

1 attorney, the attorney for the defendant, the child witness's
2 attorney and guardian ad litem and the operator of the equipment
3 may be present in the room with the child witness during testimony.
4 The only other person who may be present in the room with the child
5 during the child witness's testimony is a judicial officer,
6 appointed by the court. Only the court, the prosecuting attorney
7 and the attorney for the defendant may question the child. In pro
8 se proceedings, the court ~~may modify the provisions of this~~
9 ~~subdivision relating to the role of the attorney for the defendant~~
10 ~~to allow the pro se defendant to question the child witness in such~~
11 ~~a manner as to cause as little psychological trauma as possible~~
12 ~~under the circumstances shall appoint an attorney to represent the~~
13 ~~defendant for the limited purpose of questioning the child witness~~
14 ~~or shall conduct the examination itself.~~ The court shall permit
15 the defendant to observe and hear the testimony of the child
16 witness contemporaneous with the taking of the testimony. The
17 court shall provide electronic means for the defendant and the
18 attorney for the defendant to confer confidentially during the
19 taking of the testimony.

20 ~~(2) If the defendant elects to not be physically present in~~
21 ~~the courtroom during the testimony of the child witness, the~~
22 ~~defendant shall be taken into the testimonial room and be televised~~
23 ~~live, by two-way closed-circuit equipment to the view of the finder~~
24 ~~of fact. and others present in the courtroom. The defendant shall~~
25 ~~be taken to the testimonial room prior to the appearance of the~~
26 ~~child witness in the courtroom. There shall be made and maintained~~
27 ~~a recording of the images and sounds of all proceedings which were~~
28 ~~televised pursuant to this article. While the defendant is in the~~

1 ~~testimonial room, the defendant shall be permitted to view the~~
2 ~~live, televised image of the child witness and the image of those~~
3 ~~other persons in the courtroom whom the court determines the~~
4 ~~defendant is entitled to view. Only the court, the prosecuting~~
5 ~~attorney and the attorney for the defendant may question the child.~~
6 ~~In pro se proceedings, the court may modify the provisions of this~~
7 ~~subdivision relating to the role of the attorney for the defendant~~
8 ~~to allow the pro se defendant to question the child witness in such~~
9 ~~a manner as to cause as little emotional distress as possible under~~
10 ~~the circumstances. The transmission from the courtroom to the~~
11 ~~testimonial room shall be sufficient to permit the defendant to~~
12 ~~observe and hear the testimony of the child witness contemporaneous~~
13 ~~with the taking of the testimony. No proceedings other than the~~
14 ~~taking of the testimony of the child witness shall occur while the~~
15 ~~defendant is outside the courtroom. In the event that the~~
16 ~~defendant elects that the attorney for the defendant remain in the~~
17 ~~courtroom while the defendant is in the testimonial room, the court~~
18 ~~shall provide electronic means for the defendant and the attorney~~
19 ~~for the defendant to confer confidentially during the taking of the~~
20 ~~testimony.~~

21 ~~(c)~~ (b) In every case where the provisions of the article are
22 used, the jury, at a minimum, shall be instructed, unless such
23 instruction is waived by the defendant, that the use of live, ~~two-~~
24 ~~way~~ closed-circuit television is being used solely for the child's
25 convenience, that the use of the medium cannot as a matter of law
26 and fact be considered as anything other than being for the
27 convenience of the child witness and that to infer anything else
28 would constitute a violation of the oath taken by the jurors.

1 (c) If the child is a victim, the court shall ensure that all
2 steps necessary to secure the physical safety of the child, both in
3 the courtroom and during periods of time that the child may spend
4 waiting in court, have been taken.

5 (d) The court shall take all steps necessary to ensure that
6 any sensitive information, including address or physical location
7 of the child witness and/or the immediate family of the child
8 witness, remains confidential.

9 (e) For any case in which the child witness is alleged to have
10 been emotionally, sexually and/or physically abused, the child's
11 representative shall be given notice of pretrial discovery motions,
12 with that notice being required to be given in sufficient time to
13 allow the guardian ad litem or counsel for the child to file any
14 pleadings, motions or responses deemed appropriate to the
15 situation.

16 (f) Any videotape or other type of recording of a statement of
17 a child witness concerning matters that are the subject of a court
18 proceeding is the property of the court for the purpose of
19 protecting the privacy of the child. The recordings shall be made
20 available to counsel and the parties for viewing purposes, but may
21 not be duplicated without an order of the court which specifies to
22 whom the duplicate records are to be given and the purpose of the
23 use of the recording by that individual. The order shall also
24 prohibit the recording from being shown to unauthorized
25 individuals, prohibit the recording from being further duplicated
26 and require the return to the court of all copies of the recording
27 at the conclusion of the stated purpose. Upon return of the
28 recording to the court, the recording shall be placed in a sealed

1 file within the court's official file.

2 (g) The court may also grant the following accommodations to
3 a child witness who testifies in court rather than by live, closed-
4 circuit television, as necessary and appropriate, upon motion made
5 by the child's representative or any party to the proceeding and a
6 finding by the court that the accommodation is necessary for the
7 child witness to testify effectively and the accommodation will not
8 cause unfair prejudice:

9 (1) The court may allow the child witness to have a toy,
10 blanket or similar item in his or her possession while testifying;
11 and

12 (2) The court may designate a support person, who shall be
13 seated in the courtroom, in view of the child witness either at one
14 of the counsel tables, in the first row of seating for the general
15 public or in some other similar seating location. The support
16 person may not provide the child with an answer to any question
17 directed to the child witness during the course of the child's
18 testimony or otherwise prompt the child or influence the testimony
19 of the child witness. If the support person attempts to influence
20 or affect in any manner the testimony of the child witness at any
21 time the court shall exclude that support person. Notwithstanding
22 the requirement of this subdivision that the support person be
23 seated in particular areas of the courtroom, as long as the support
24 person does not obscure the child witness from the view of the
25 parties, the judge or the jury, the court may allow the support
26 person to remain in close proximity to the child witness during the
27 child's testimony if:

28 (A) All parties agree; or

1 (B) The movant proves by clear and convincing evidence that:
2 (i) The child witness in question cannot reliably testify
3 without the support person in his or her presence;
4 (ii) No other alternative to having the support person in his
5 or her presence would allow the child witness to reliably testify;
6 and
7 (iii) Allowing the support person is not likely to prejudice
8 the trier of fact in hearing and evaluating the child witness's
9 testimony.

(NOTE: The purpose of this bill is to create procedures and protections for child witnesses in domestic relations and child abuse and neglect proceedings, and update procedures in criminal proceedings.

§48-1-401, §48-1-402, §48-1-403, §48-1-404, §48-1-405, §49-1A-1, §49-1A-2, §49-1A-3 and §49-1A-4 are new; therefore, strike-throughs and underscoring have been omitted.

In §62-6B-2, §62-6B-3 and §62-6B-4 strike-throughs indicated current language that is being removed and underscoring indicates new language that is being added.)