

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 447

BY SENATOR SYPOLT

[Introduced January 28, 2019; Referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §48-27-313, relating to staying civil actions resulting from domestic violence
 3 for 60 days from the date of entry of a final domestic violence protective order.

Be it enacted by the Legislature of West Virginia:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

PART 3. PROCEDURE.

§48-27-313. Stay of civil proceedings.

1 Notwithstanding any provision of law or any procedural rule to the contrary, any civil action
 2 for damages resulting from domestic violence, actions initiated by the Respondent, the
 3 Respondent's family members, cohorts and anyone else acting on Respondent's behalf, or any
 4 action that collaterally attacks, intentionally, negligently or functionally, the orders of the family
 5 court, or to harass the victim shall be stayed for 60 days from the date of entry of a final domestic
 6 violence protective order.

NOTE: The purpose of this bill is to stay civil actions resulting from domestic violence for 60 days from the date of entry of a final domestic violence protective order. The bill forces a cooling off period on the Respondent as to not overwhelm the victim immediately after suffering a domestic violence event.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.