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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4273

(By Mr. Speaker, Mr. Kiss, and Delegate Staton)



Passed March 9, 2002

In Effect Ninety Days from Passage

FILED

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H. B. 4273

(BY MR. SPEAKER, MR. KISS, AND DELEGATE STATON)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section two hundred four, article twenty-seven, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section three hundred twelve, all relating to domestic violence; adding “father-in-law” and “mother-in-law” to the definition of family or household members; and production of documents pursuant to a subpoena duces tecum.

Be it enacted by the Legislature of West Virginia:

That section two hundred four, article twenty-seven, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section three hundred twelve, all to read as follows:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

PART 2. DEFINITIONS.

§48-27-204. Family or household members defined.

- 1 “Family or household members” means persons who:
- 2 (1) Are or were married to each other;
- 3 (2) Are or were living together as spouses;
- 4 (3) Are or were sexual or intimate partners;
- 5 (4) Are or were dating: *Provided*, That a casual acquaint-
- 6 tance or ordinary fraternization between persons in a business
- 7 or social context does not establish a dating relationship;
- 8 (5) Are or were residing together in the same household;
- 9 (6) Have a child in common regardless of whether they
- 10 have ever married or lived together;
- 11 (7) Have the following relationships to another person:
- 12 (A) Parent;
- 13 (B) Stepparent;
- 14 (C) Brother or sister;
- 15 (D) Half-brother or half-sister;
- 16 (E) Stepbrother or stepsister;
- 17 (F) Father-in-law or mother-in-law;
- 18 (G) Stepfather-in-law or stepmother-in-law;
- 19 (H) Child or stepchild;
- 20 (I) Daughter-in-law or son-in-law;

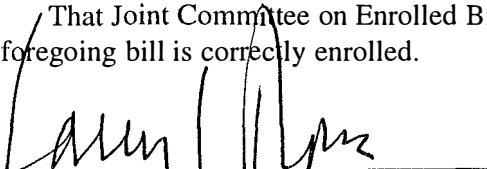
- 21 (J) Stepdaughter-in-law or stepson-in-law;
- 22 (K) Grandparent;
- 23 (L) Step grandparent;
- 24 (M) Aunt, aunt-in-law or step aunt;
- 25 (N) Uncle, uncle-in-law or step uncle;
- 26 (O) Niece or nephew;
- 27 (P) First or second cousin; or
- 28 (8) Have the relationships set forth in paragraphs (A)
29 through (P), subdivision (7) of this section to a family or
30 household member, as defined in subdivisions (1) through (6)
31 of this section.

**§48-27-312. Production of documents pursuant to a subpoena
duces tecum.**

1 (a) Notwithstanding any provision of law or any procedural
2 rule to the contrary, any record in a proceeding filed pursuant
3 to this article shall be supplied to any person presenting a
4 subpoena duces tecum issued by a state or federal court in any
5 criminal action or action filed pursuant to this article. Any
6 record in a proceeding filed pursuant to this article is not
7 subject to disclosure pursuant to a subpoena if the subpoena
8 was issued in a civil action. In civil proceedings a court, for
9 good cause shown, may enter an order permitting a person who
10 is not otherwise permitted access to a court file to examine and
11 copy records of a proceeding filed pursuant to this article:
12 *Provided*, That the court shall enter such order as may be
13 necessary to protect any document containing the address or
14 other contact information of a person who filed a petition under
15 this article: *Provided, however*, That any records obtained

16 pursuant to the provisions of this section shall be used only in
17 the context of the case in which the subpoena was issued and
18 not for any other purpose.

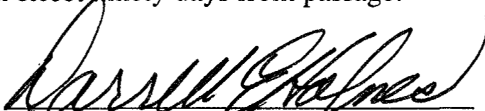
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

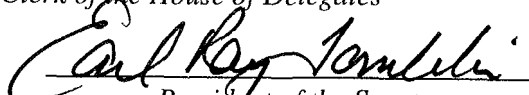

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

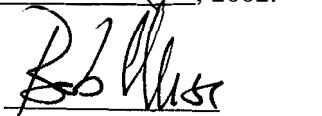

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2002.


Governor

ONE TENTH TO 100

GOVERNOR

Date

3/27/02

Time

10:10am