

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4307**

5 (By Delegates Miley, Frazier, Longstreth,
6 Barill and Jones)

7 (By the request of the Supreme Court of Appeals)

8 [Passed March 8, 2012; in effect ninety days from passage.]

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

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

21 That §48-27-502 and §48-27-1101 of the Code of West Virginia,
22 1931, as amended, be amended and reenacted, all to read as follows:

23 **CHAPTER 48. DOMESTIC RELATIONS.**

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

25 **§48-27-502. Mandatory provisions in protective order.**

26 (a) A protective order must order the respondent to refrain

1 from abusing, harassing, stalking, threatening or otherwise
2 intimidating the petitioner or the minor children, or engaging in
3 other conduct that would place the petitioner or the minor children
4 in reasonable fear of bodily injury.

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

7 (c) The protective order must inform the respondent that he or
8 she is prohibited from possessing any firearm or ammunition and
9 that possession of a firearm or ammunition while subject to the
10 court's protective order is a criminal offense under state and
11 federal law, notwithstanding the fact that the respondent might
12 otherwise have a right to possess a firearm.

13 (d) The protective order must inform the respondent that the
14 order is in full force in every county of this state.

15 (e) The protective order must contain on its face the
16 following statement, printed in bold-faced type or in capital letters:

17 "VIOLATION OF THIS ORDER MAY BE PUNISHED BY CONFINEMENT IN A
18 REGIONAL JAIL FOR AS LONG AS ONE YEAR AND BY A FINE OF AS MUCH AS
19 \$2,000".

20 **§48-27-1101. Rules of practice and procedure; forms to be provided;**
21 **operative date.**

22 (a) Pleadings, practice and procedure in domestic violence
23 matters before the court are governed by the rules of practice and
24 procedure for domestic violence civil proceedings promulgated by
25 the West Virginia Supreme Court of Appeals.

26 (b) The West Virginia Supreme Court of Appeals shall prescribe

1 forms which are necessary and convenient for proceedings pursuant
2 to this article and the court shall distribute such forms to the
3 clerk of the circuit court, the secretary-clerk of the family court
4 and the clerk of magistrate court of each county within the state.

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