

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 308

SENATORS WELD, IHLENFELD, AND JEFFRIES, *original sponsors*

[Originating in the Committee on the Judiciary;

reported on January 30, 2020]

1 A BILL to amend and reenact §55-7J-6 of the Code of West Virginia, 1931, as amended, relating
2 to creating criminal penalties for violation of orders issued for the protection of victims of
3 financial exploitation; and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7J. FINANCIAL EXPLOITATION OF AN ELDERLY PERSON, PROTECTED
PERSON, OR INCAPACITATED ADULT.**

§55-7J-6. Penalty for violation of injunction; retention of jurisdiction; offenses.

1 (a) Any person who violates the terms of an order issued under §55-7J-5 of this code shall
2 ~~be~~ is subject to a proceeding for contempt of court. The court issuing the injunction may retain
3 jurisdiction if, in its discretion, it determines that to do so is in the best interest of the elderly
4 person, protected person, or incapacitated adult. Whenever the court determines that an
5 injunction issued under §55-7J-5 of this code has been violated, the court may award reasonable
6 costs to the party asserting that a violation has occurred.

7 (b) An order under §55-7J-5 of this code shall state that a violation of the order may result
8 in criminal prosecution and state the penalties therefor.

9 (c) Any person who willfully violates a material term of an order entered pursuant to §55-
10 7J-5 of this code is guilty of a misdemeanor and, upon conviction thereof, shall:

11 (1) For a first offense, be fined not more than \$1,000 or confined in jail not more than 90
12 days, or both fined and confined; and

13 (2) For a second or subsequent offense, be fined not more than \$2,500 or confined in jail
14 not more than one year, or both fined and confined.