

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4177

FISCAL
NOTE

By Delegate Pushkin

[Introduced January 10, 2024; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §48-27-301 of the Code of West Virginia, 1931, as amended,
 2 relating to directing the Supreme Court of Appeals to create a pilot domestic violence court
 3 in Kanawha County.

Be it enacted by the Legislature of West Virginia:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

Part III. Procedure.

§48-27-301.

Jurisdiction.

1 (a) Circuit courts, family courts and magistrate courts have concurrent jurisdiction over
 2 domestic violence proceedings as provided in this article.

3 (b) The Supreme Court of Appeals is ~~authorized to~~ shall assign appropriate judicial officers
 4 for ~~five~~ one pilot domestic violence courts in ~~any jurisdiction chosen by the Supreme Court of~~
 5 ~~Appeals~~ court in Kanawha County. Judicial officers so assigned have the authority and jurisdiction
 6 to preside over criminal misdemeanor crimes of domestic violence involving family or household
 7 members as defined in §48-27-204 (1) through (6) and §48-27-204 (7)(A), (B), and (H), of this
 8 code, relating to offenses §61-2-9 (b) and (c), of this code, misdemeanor violations of §61-2-9a of
 9 this code, misdemeanor violations of §61-2-28 of this code, misdemeanor offenses under §61-3-1
 10 *et seq.* of this code where the alleged perpetrator and the victim are said family or household
 11 members, §61-7-7 (7) and (8), of this code and civil and criminal domestic violence protective
 12 order proceedings as provided in this article. The judicial officer chosen for any domestic violence
 13 court may be a current or senior status circuit judge, family court judge, temporary family court
 14 judge or magistrate. The Supreme Court of Appeals is ~~requested to~~ shall maintain statistical data
 15 to determine the feasibility and effectiveness of ~~any~~ the domestic violence court established by the
 16 provisions of this section. The Supreme Court shall report to the President of the Senate and the
 17 Speaker of the House of Delegates regarding the program's efficacy prior to the regular sessions
 18 of the Legislature in 2025 and 2026.

- 19 (c) The assigned judicial officer in a domestic violence court does not have jurisdiction to
20 preside over any felony crimes unless the assigned judicial officer is a circuit court judge.

NOTE: The purpose of this bill is to direct the Supreme Court of Appeals to assign appropriate judicial officers for a pilot domestic violence court in Kanawha County.

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