

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3493

By Delegate Ridenour

[Introduced March 18, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §15-1H-7, relating to the creation of "The Deployed Servicemembers
3 Protection Act"; providing legislative findings; providing definitions; and describing
4 protections for servicemembers and penalties for violating them.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1H. MORALE, WELFARE, AND RECREATION FACILITIES.

§15-1H-7. The Deployed Servicemembers Protection Act.

1 (a) Legislative Findings -- The Legislature finds that military servicemembers who deploy
2 for either training or military operations do so to benefit our nation and our state. The Legislature
3 finds that servicemembers are far more effective in accomplishing their duties if they are assured
4 that their loved ones, homes, and property are safeguarded. The Legislature finds that when
5 servicemembers are concerned about their loved ones, homes, or property, they may become less
6 capable in executing their duties and may suffer serious effects that both undermine their morale
7 and well-being. The Legislature finds that instances have occurred wherein servicemembers'
8 spouses have divorced servicemembers, and have sold homes under joint ownership, taken joint
9 funds, have removed servicemembers' children, have taken other joint property, and have left
10 servicemembers destitute and unable to resolve the myriad issues that arise from such actions.
11 The Legislature finds that servicemembers who have suffered these losses have on occasion
12 become mentally unwell, and in some instances have taken their own lives or have left the service.
13 The Legislature finds that it is in the interests of the state to preserve the morale and ensure the
14 protection of servicemembers for the good of the state. The Legislature finds that assurances that
15 their loved ones, homes, and property are safeguarded may encourage recruitment and retention
16 of servicemembers. The Legislature finds actions to protect servicemembers are necessary.

17 (b) All elements of the Servicemembers Civil Relief Act (SCRA) 50 U.S.C. App. §§501-
18 597b are in effect for servicemembers called to active-duty periods of military service, including for
19 National Guard servicemembers when called into state periods of military service.

20 (c) Definitions –

21 (1) For the purposes of this section, "servicemember" has the same meaning as in the
22 Servicemembers Civil Relief Act (SCRA) 50 U.S.C. App. §501-597b.

23 (2) "Military service" has the same meaning as in the SCRA; however, it also includes
24 National Guard servicemembers when called to state service for a period of 30 days or longer from
25 their home station or from their residence.

26 (3) "Period of military service" has the same meaning as in the SCRA.

27 (4) "Dependent" has the same meaning as in the SCRA.

28 (d) Protections -- For servicemembers who are deployed for periods of military service of
29 30 days or longer from their home station or from their residence, spouses may not:

30 (1) Sell residences, vehicles, or conduct other financial transactions in excess of \$10,000
31 during the deployment and for two months after the deployment, without the express written
32 concurrence, including via electronic means, of the service member; or

33 (2) Close any joint financial accounts during the deployment and for two months after the
34 deployment, without the express written concurrence, including via electronic means, of the
35 service member; or

36 (3) Remove more than 50% from any joint financial accounts during the deployment and
37 for two months after the deployment, without the express written concurrence, including via
38 electronic means, of the service member; or

39 (4) Remove joint custody children from the home of record and out of state for more than
40 two weeks, without the express written concurrence, including via electronic means, of the service
41 member.

42 (5) Additionally, joint custody children who are not at the service members home of record
43 must be returned to the home of record and joint custody with the deployed service member within
44 one week of the service member's return to their home of record, without written concurrence,
45 including via electronic means, of the service member.

- 46 (e) Penalties -- Violation of this statute is a misdemeanor and may incur a penalty of jail for
47 up to 30 days or a fine of not more than \$5000, as well as civil liability.

NOTE: The purpose of this bill is to create "The Deployed Servicemembers Protection Act", provide legislative findings, provide definitions, and describe protections for servicemembers and penalties for violating them.

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