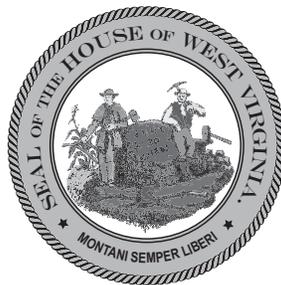


West Virginia Legislature

JOURNAL  
of the  
HOUSE of DELEGATES

Eighty-Sixth Legislature  
First Regular Session

Held at Charleston  
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January 13, 2023  
THIRD DAY



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Friday, January 13, 2023

**THIRD DAY**

[DELEGATE ESPINOSA, MR. SPEAKER PRO TEMPORE, IN THE CHAIR]

The House of Delegates was called to order by the Honorable Paul Espinosa, Speaker Pro Tempore.

Prayer was offered and the House was led in recitation of the Pledge of Allegiance.

The Clerk proceeded to read the Journal of Thursday, January 12, 2023, being the first order of business, when the further reading thereof was dispensed with and the same approved.

**Committee Reports**

Delegate Criss, Chair of the Committee on Finance, submitted the following report, which was received:

Your Committee on Finance has had under consideration:

**H. B. 2526**, The purpose of this bill is to reduce the personal income tax rates by 50% of the current rates over the course of three years,

And reports back a committee substitute therefor, as follows:

**Com. Sub. for H. B. 2526** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto three new sections, designated §11-21-4g, §11-21-4h, and §11-21-4i; and to amend and reenact §11-21-93 of said code, all relating to reducing the personal income tax; providing for reduced graduated income tax rates; reducing the rate of tax on composite returns; reducing the rate of withholding tax on nonresident income; reducing the rate of withholding tax on the nonresident sale of real estate; reducing the rate of withholding on gambling winnings; applying reduced rates retroactively to January 1, 2023; applying additional reduced rates on January 1, 2024 and January 1, 2025; requiring deposits of surplus revenues into personal income tax reserve fund; and generally providing effective dates,"

With the recommendation that the committee substitute do pass.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2218**, Distracted Driving Act,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2218) was referred to the Committee on the Judiciary.

Delegate Linville, Chair of the Committee on Technology and Infrastructure, submitted the following report, which was received:

Your Committee on Technology and Infrastructure has had under consideration:

**H. B. 2310**, Provide the Division of Motor Vehicles authority to develop an “Antique Fleet” program so that multiple antique motor vehicles may utilize a single registration plate,

And reports the same back with the recommendation that it do pass, but that it first be referred to the Committee on Government Organization.

In accordance with the former direction of the Speaker, the bill (H. B. 2310) was referred to the Committee on Government Organization.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2016**, Relating to confidential childcare records,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on the Judiciary.

In accordance with the former direction of the Speaker, the bill (H. B. 2016) was referred to the Committee on the Judiciary.

Delegate Summers, Chair of the Committee on Health and Human Resources, submitted the following report, which was received:

Your Committee on Health and Human Resources has had under consideration:

**H. B. 2002**, Relating to providing support for families,

And reports the same back, with amendment, with the recommendation that it do pass, as amended, but that it first be referred to the Committee on Finance.

In accordance with the former direction of the Speaker, the bill (H. B. 2002) was referred to the Committee on Finance.

### **Messages from the Senate**

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 161** – “A Bill to amend and reenact §20-1-10 of the Code of West Virginia, 1931, as amended, relating to the authority of the Division of Natural Resources to manage and dispose of property”; which was referred to the Committee on the Judiciary.

A message from the Senate, by

The Clerk of the Senate, announced the passage by the Senate, to take effect from passage, and requested the concurrence of the House of Delegates in the passage, of

**S. B. 162** – “A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-22, relating to authorizing the director of the Division of Natural Resources to lease state-owned pore spaces underlying state forests, natural and scenic areas, and management areas, and other lands under the jurisdiction and control of the director for carbon sequestration; prohibiting the leasing of pore spaces underlying state parks; establishing competitive bidding process; providing for procedures and requirements; and authorizing the director to directly award a pore space under certain circumstances when necessary for an economic development project”; which was referred to the Committee on the Judiciary.

### **Resolutions Introduced**

On motion for leave, a Joint Resolution was introduced and referred as follows:

**Delegates Kump, Householder, Criss, Linville, Foster, Maynor, Hite, Hornby, Horst, Phillips and Crouse**

**H. J. R. 14** - " Proposing an amendment to the Constitution of the State of West Virginia, amending section one-b, article X thereof, relating to homestead exemption increase; numbering and designating such proposed amendment; and providing a summarized statement of the purpose of such proposed amendment"; to the Committee on Finance then the Judiciary.

### **Bills Introduced**

On motions for leave, bills were introduced and severally referred as follows:

**By Delegates Howell, Anderson, Hott, Zatezalo, Clark, Ferrell, Storch, Smith, Phillips, Cannon and Linville:**

**H. B. 2510** - “A Bill to amend the Code of West Virginia, 1931, as amended; by adding thereto a new article, designated §11-13MM-1, §11-13MM-2, §11-13MM-3, §11-13MM-4, §11-13MM-5, §11-13MM-6, §11-13MM-7, §11-13MM-8, §11-13MM-9, §11-13MM-10, §11-13MM-11, §11-13MM-12, §11-13MM-13, §11-13MM-14, §11-13MM-15, §11-13MM-16, §11-13MM-17, §11-13MM-18, §11-13MM-19, §11-13MM-20, and §11-13MM-21, all relating to the creation of the Rare Earth Element and Critical Mineral Investment Tax Credit Act; providing for a short title; providing legislative findings and purpose; defining terms including rare earth elements and critical minerals; providing for administration and enforcement of act; specifying an amount of credit allowable based on amount of qualified investment and the number of new jobs created for mining and processing of rare earth elements and critical minerals and manufacturing of products requiring rare earth elements and critical minerals; providing limitations and conditions for the qualification and use; defining in service or use; providing for the application of the credit to the corporate net income tax and the personal income tax, as appropriate; providing for methods of calculation of the qualified investment; providing for a determination and certification of the number of new jobs; providing for carry over and forfeiture of unused tax credits and redetermination of tax credits under certain circumstances; providing certain limitations for credits being carried over; providing for full recapture and partial recapture of credit under certain circumstances and imposing a recapture tax; allowing transfer of qualified investment property without forfeiture or recapture under certain circumstances; requiring identification of qualified investment property and record keeping; providing civil penalties for failure to keep required records; providing for interpretation and construction of credit; requiring timely filing of application

for credit; providing for criminal and civil penalties; specifying burden of proof; requiring periodic review and reporting; authorizing rule-making; making the credit subject to West Virginia Tax Procedure and Administration Act and West Virginia Tax Crimes and Penalties Act; providing for severability; and specifying an effective date"; to the Committee on Economic Development and Tourism.

**By Delegates Howell, Hornbuckle, Capito, Clark, Ferrell, Storch, Smith, Phillips, Cannon, Kelly and Hott:**

**H. B. 2512** - "A Bill to amend and reenact §5B-8-1 of the Code of West Virginia, 1931, as amended, relating to transferring the administration of the West Virginia Small Business Innovation Research (SBIR) and Small Business Technology Transfer (SBTT) Matching Funds Program from the Department of Commerce to the Department of Economic Development, including, but not limited to, the authority to propose legislative rules for promulgation"; to the Committee on Economic Development and Tourism.

**By Delegate Steele:**

**H. B. 2527** - "A Bill to repeal §55-9-1, §55-9-2, and §55-9-3 of the Code of West Virginia, 1931, as amended; to repeal §61-1-4, §61-1-5, §61-1-7, §61-1-8, §61-1-9, §61-2-5a, §61-2-9a, §61-2-9b, §61-2-9c, §61-2-9d, §61-2-10a, §61-2-10b, §61-2-14a, §61-2-14b, §61-2-14c, §61-2-14d, §61-2-14e, §61-2-14f, §61-2-14g, §61-2-14h, §61-2-15a, §61-2-16a, §61-2-26, §61-2-27, §61-2-27a, §61-2-28, §61-2-29, §61-2-29a, §61-2-29b, §61-2-30, §61-3-20a, §61-3-22a, §61-3-24a, §61-3-24b, §61-3-24c, §61-3-24d, §61-3-24e, §61-3-24f, §61-3-24g, §61-3-24h, §61-3-39, §61-3-39a, §61-3-39b, §61-3-39c, §61-3-39d, §61-3-39e, §61-3-39f, §61-3-39g, §61-3-39h, §61-3-39i, §61-3-39j, §61-3-39k, §61-3-39m, §61-3-39n, §61-3-39o, §61-3-39p, §61-3-39q, §61-3-40, §61-3-41, §61-3-42, §61-3-43, §61-3-44, §61-3-45, §61-3-45a, §61-3-46, §61-3-47, §61-3-48, §61-3-48a, §61-3-49, §61-3-49a, §61-3-49b, §61-3-50, §61-3-51, §61-3-52, §61-3-53, §61-3-54, §61-3-55, §61-3-56, §61-3-57, §61-3-58, §61-3-59, §61-3A-4a, §61-3C-14a, §61-3C-14b, §61-3C-14c, §61-3E-13, §61-5-12a, §61-5-12b, §61-5-25a, §61-5-27a, §61-5-28, §61-5-29, §61-6-1a, §61-6-1b, §61-6-14a, §61-6-18, §61-6-19, §61-6-20, §61-6-21, §61-6-22, §61-6-23, §61-6-24, §61-6-25; §61-7-4a, §61-7-6a, §61-7-11a, §61-7-15a, §61-8-9a, §61-8-19a, §61-8-19b, §61-8-19c, §61-8-27a, §61-8-28, §61-8-28a, §61-8-29, §61-8-30, §61-8-31, §61-8C-3a, §61-8C-3b, §61-8D-4a, §61-8D-5a, §61-8E-1, §61-8E-2, §61-8E-3, §61-9-9, §61-9-10, §61-9-11, §61-10-11a, §61-10-11b, §61-10-30, §61-10-31, §61-10-32, §61-10-33, §61-10-34, §61-11-1a, §61-11-8a, §61-11-22a, §61-11-26a, §61-11-26b and §61-11A-9 of said code; to amend and reenact §15-12-8 of said code; to amend and reenact §19-1A-3b of said code; to amend and reenact §29-22-12 of said code; to amend and reenact §61-1-1, §61-1-2, §61-1-3 of said code; to amend and reenact §61-2-1, §61-2-2, §61-2-3, §61-2-4, §61-2-5, §61-2-6, §61-2-7, §61-2-8, §61-2-9, §61-2-10, §61-2-11, §61-2-12, §61-2-13, §61-2-14, §61-2-15, and §61-2-16 of said code; to amend and reenact §61-3-1, §61-3-2, §61-3-3, §61-3-4, §61-3-5, §61-3-6, §61-3-7, §61-3-8, §61-3-11, §61-3-12, §61-3-13, §61-3-14, §61-3-15, §61-3-16, §61-3-18, §61-3-19, §61-3-20, §61-3-21, §61-3-22, §61-3-23, §61-3-24, §61-3-25, §61-3-26, §61-3-27, §61-3-28, §61-3-29, §61-3-30, §61-3-31, §61-3-32, §61-3-33, §61-3-34, §61-3-35, §61-3-36, §61-3-37, and §61-3-38 of said code; to amend and reenact §61-3A-3 and §61-3A-7 of said code; to amend and reenact §61-3B-2, §61-3B-3, §61-3B-4, §61-3B-5, §61-3B-6, and §61-3B-7 of said code; to amend and reenact §61-3C-2, §61-3C-3, §61-3C-4, §61-3C-5, §61-3C-6, §61-3C-7, §61-3C-8, §61-3C-9, §61-3C-10, §61-3C-11, §61-3C-12, §61-3C-13, §61-3C-14, §61-3C-15, §61-3C-16, §61-3C-17, §61-3C-18, §61-3C-19, §61-3C-20, §61-3C-21 of said code; to amend and reenact §61-3D-2 and §61-3D-3 of said code; to amend and reenact §61-3E-1, §61-3E-3, §61-3E-4, §61-3E-5, §61-3E-6, §61-3E-7, §61-3E-8, §61-3E-9, §61-3E-10, and §61-3E-12 of said code; to amend and reenact §61-4-1, §61-4-2, §61-4-3, §61-4-4, §61-4-5, §61-4-6, §61-4-7, §61-4-8, and §61-4-9 of said code; to amend and reenact §61-5-1, §61-5-2, §61-5-3, §61-5-4, §61-5-5, §61-5-6, §61-5-7, §61-5-8, §61-5-9, §61-5-

10, §61-5-11, §61-5-12, §61-5-13, §61-5-14, §61-5-15, §61-5-16, §61-5-17, §61-5-18, §61-5-19, §61-5-20, §61-5-21, §61-5-22, §61-5-23, §61-5-24, §61-5-25, §61-5-26, and §61-5-27 of said code; to amend and reenact §61-5A-9 of said code; to amend and reenact §61-6-1, §61-6-2, §61-6-3, §61-6-6, §61-6-7, §61-6-8, §61-6-9, §61-6-10, §61-6-11, §61-6-12, §61-6-13, §61-6-14, §61-6-15, §61-6-16, and §61-6-17 of said code; to amend and reenact §61-7-2, §61-7-3, §61-7-4, §61-7-5, §61-7-6, §61-7-7, §61-7-8, §61-7-9, §61-7-10, §61-7-11, §61-7-12, §61-7-14, §61-7-15, §61-7-16, and §61-7-17 of said code; to amend and reenact §61-8-1, §61-8-2, §61-8-5, §61-8-6, §61-8-7, §61-8-8, §61-8-9, §61-8-10, §61-8-11, §61-8-12, §61-8-14, §61-8-15, §61-8-16, §61-8-19, §61-8-21, §61-8-20, §61-8-22, §61-8-23, §61-8-25, §61-8-26, and §61-8-27 of said code; to amend and reenact §61-8A-1, §61-8A-2, §61-8A-4, and §61-8A-5 of said code; to amend and reenact §61-8B-3, §61-8B-4, §61-8B-5, §61-8B-7, §61-8B-8, §61-8B-9, §61-8B-9b, §61-8B-10, §61-8B-11, §61-8B-11a, §61-8B-12, §61-8B-13, §61-8B-14, §61-8B-15, §61-8B-16, §61-8B-17, and §61-8B-18 of said code; to amend and reenact §61-8C-1, §61-8C-2, and §61-8C-3 of said code; to amend and reenact §61-8D-1, §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a, §61-8D-5, §61-8D-6, §61-8D-7, §61-8D-8, §61-8D-9, and §61-8D-10 of said code; to amend and reenact §61-9-1, §61-9-2, §61-9-3, §61-9-4, §61-9-5, §61-9-6, §61-9-7, and §61-9-8 of said code; to amend and reenact §61-10-1, §61-10-2, §61-10-3, §61-10-4, §61-10-5, §61-10-6, §61-10-7, §61-10-8, §61-10-9, §61-10-10, §61-10-11, §61-10-12, §61-10-13, §61-10-14, §61-10-15, §61-10-16, §61-10-17, §61-10-19, §61-10-20, §61-10-22, and §61-10-23 of said code; to amend and reenact §61-11-1, §61-11-1a, §61-11-3, §61-11-4, §61-11-5, §61-11-6, §61-11-7, §61-11-8, §61-11-18, §61-11-20, §61-11-21, and §61-11-22 of said code; to amend and reenact §61-11A-7 and §61-11A-8 of said code; to amend and reenact §61-12-8, §61-12-9, and §61-12-13 of said code; to amend and reenact §61-13-3 of said code; to amend and reenact §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8, and §61-14-9 of said code; to amend and reenact §61-15-2 and §61-16-2 of said code; to amend and reenact §62-6-8 of said code; to amend and reenact §62-12-2 and §62-12-26 of said code; to amend said code by adding thereto a new article, designated §23-5B-1, §23-5B-2, §23-5B-3, and §23-5B-4; to amend said code by adding thereto two new sections, designated §30-1-27, and §30-1-28; to amend said code by adding thereto a new section, designated §30-29-9a; to amend said code by adding thereto a new section, designated §55-2-23; to amend said code by adding a new section, designated §60A-4-418; to amend said code by adding thereto nine new sections, designated §61-2-17, §61-2-18, §61-2-19, §61-2-20, §61-2-21, §61-2-22, §61-2-23, §61-2-24, and §61-2-25; to amend said code by adding thereto three new sections, §61-3-9, §61-3-10, and §61-3-17; to amend said code by adding thereto three new sections, designated §61-3B-8, §61-3B-9, and §61-3B-10; to amend said code by adding thereto two new sections, §61-3C-22 and §61-3C-23; to amend said code by adding thereto a new article, designated §61-3F-1, §61-3F-2, §61-3F-3, §61-3F-4, §61-3F-5, §61-3F-6, §61-3F-7, §61-3F-8, §61-3F-9, §61-3F-10, §61-3F-11, §61-3F-12, §61-3F-13, §61-3F-14, §61-3F-15, §61-3F-16, and §61-3F-17; to amend said code by adding thereto a new section, designated §61-4-10; to amend said code by adding thereto three new sections, designated §61-7-13, §61-7-18, and §61-7-19; to amend said code by adding thereto five new sections, designated §61-8-3, §61-8-4, §61-8-17, §61-8-18, and §61-8-24; to amend said code by adding thereto six new sections, designated §61-8B-6, §61-8B-19, §61-8D-11, §61-8D-12, §61-10-18, and §61-10-21; to amend said code by adding thereto two new sections, designated §61-11-27 and §61-11-28; to amend said code by adding thereto a new article, designated §61-17-1, §61-17-2, §61-17-3, §61-17-4, §61-17-5, §61-17-6, and §61-17-7; and to amend said code by adding thereto a new article, designated §61-18-1, §61-18-2, §61-18-3, and §61-18-4, all relating to revising the criminal code generally; relating to the failure of a sex offender to register or provide notice of registration changes and the penalty for the same; timber theft, investigations thereof, and the criminal and civil penalties for the same; crimes against the worker's compensation system generally; the crime of omission to subscribe for workers' compensation insurance; the crime of failure to file a premium tax report or pay premium taxes;

crimes relating to false testimony or statements concerning such; the crime of failure to file reports; criminal penalties for such actions or inactions; provisions for asset forfeiture; venue for trial of such crimes; the crime of wrongfully seeking workers' compensation; criminalizing false testimony or statements given in support of the same; criminal penalties for these offenses; venue for the trial of such crimes; workers' compensation health care offenses; fraud; theft or embezzlement; false statements; criminal penalties for the above offenses; notice requirements; prohibition against providing future services; penalties for the same; provisions for asset forfeiture; venue for the trial of such crimes; defining the crime of providing false documentation to workers' compensation, to the Insurance Commissioner or a private carrier of workers' compensation insurance; criminalizing altering documents or certificates from workers' compensation; criminal penalties for such offenses; venue for the trial of such crimes; the required reporting of gunshot and other wounds; the required reporting of burns; penalty for aiding and abetting; railroad employees being conservators of the peace; special railroad policemen; and the powers and duties of the same; relating to shooting ranges, limitations on nuisance actions, and noise ordinances; relating generally to criminal activity and the punishment thereof; wanton endangerment involving the use of fire, and the criminal penalty for the same; relating to crimes against the government; defining treason, the crime of treason, and penalties therefor, the crime of failure to give information of treason and its penalty; the crime of desecration of the flag, and its penalty; relating to crimes against the person, first and second degree murder defined, and punishment for the same; delineating provisions for allegations in indictment for homicide; defining voluntary manslaughter and the penalty thereof; defining involuntary manslaughter, and specifying the penalty for the same; defining concealment of a deceased human body, and specifying the penalty for the same; clarifying that homicide is punishable within the state if injury occurs within and death without, or vice versa; defining an attempt to kill or injure by poison, and specifying the penalty for the same; defining the crime of abortion and the penalty for the same; defining malicious or unlawful assault, assault, and battery, and specifying the penalties for each and aggravated factors and enhanced penalties; explaining provisions of sentencing for such acts committed by incarcerated persons; defining assault during the commission of or attempt to commit a felony, and specifying the penalty for the same; delineating that for violent crimes against the elderly a sentence is not subject to suspension or probation; defining harassment, and providing penalties, and certain definitions for the same; defining strangulation, suffocation, and asphyxiation and providing definitions and penalties for the same; defining robbery or attempted robbery and specifying the penalties for the same; defining extortion, and attempted extortion by threat, and specifying the penalty for these; defining kidnapping and specifying penalties for the same; defining concealment or removal of a minor child from custodian or from person entitled to visitation; and setting forth penalties and defenses for the same; providing that one aiding or abetting in kidnapping or in concealing or removing a minor child is guilty as a principal, and explaining venue for those offenses; defining unlawful restraint and providing penalties for the same; prohibiting the purchase or sale of a child, setting the criminal penalty for the same, and providing definitions and exceptions; the failure to remove doors from abandoned refrigerators, freezers and other appliances, and providing penalties for the same; providing definitions for various forms of domestic violence and criminal penalties; providing definitions and criminal penalties for the abuse or neglect of an incapacitated adult; providing criminal penalties for the death of an incapacitated adult by a caregiver; defining and providing criminal penalties for the financial exploitation of an elderly person, protected person or incapacitated adult; recognizing an embryo or fetus as a distinct unborn victim of certain crimes of violence against the person; relating to crimes against property; arson; the degrees of arson, and definitions and criminal penalties for the same; burning, or attempting to burn, insured property and the criminal penalty for the same; causing injuries during an arson-related crime, and the criminal penalties for the same; recovery of costs incurred in fighting fires caused by arson; defining burglary, the entry of dwelling house or outbuilding, and providing criminal penalties for the same; defining

entry of a house, building, vehicle, or enclosed property, the criminal penalties for the same, and specifying counts in indictment for the same; manufacture or possession of burglary tools, and the criminal penalties for the same; setting forth criminal offenses involving theft detection shielding devices, their criminal penalties and providing for detention of persons suspected of this offense; grand larceny, aggravated grand larceny, and petit larceny distinguished, setting forth the criminal penalties for each, defining larceny of bank notes, checks, writings of value and book accounts, and delineating the determination of value in larceny; explaining receiving or transferring stolen goods and providing a criminal penalty; providing a criminal penalty for bringing into this state, receiving or disposing of property stolen in another state; embezzlement, and the criminal penalties for the same; falsifying accounts, and the criminal penalties for the same; possession or use of automated sales suppression devices, and the criminal penalties for the same; the offenses of destroying or concealing a will, and embezzlement by fiduciary, and the criminal penalties for the same; obtaining money, property and services by false pretenses, disposing of property to defraud creditors, and the criminal penalties for each of these; the offenses of attempted or fraudulent use, forgery, traffic of credit cards, possession and transfer of credit cards and credit card making equipment, the false or fraudulent use of telephonic services, and the criminal penalties for these offenses; intercepting or monitoring customer telephone calls, and the criminal penalties for the same; requirements for finding fraudulent schemes and provisions for the cumulation of amounts where a common scheme exists, and the criminal penalties for the same; the casting away, destroying, or interfering with floating craft or material, and the criminal penalties for the same; interference with or destruction of buoys, signal lights or other aids to navigation, and the criminal penalties for the same; the offense of malicious killing of animals by poison or otherwise, and the criminal penalties for the same; the removal out of a county of property securing a claim, and the criminal penalties for such offense; the fraudulent disposition of personal property in possession by virtue of lease, notice to return, failure to return, and penalties where such property is not returned; noting a right to immediate possession in such instances; making a false statement as to financial condition of person, firm or corporation, and the criminal penalty for the same; publication of false advertisements, and the criminal penalty for the same; fraudulently obtaining food or lodging, and the criminal penalty for the same; intoxication of a person in charge of locomotive engine or car, and the criminal penalty for the same; the offenses of jumping on or off car or train in motion; driving vehicle upon track or bridge except at crossings, and the criminal penalty for the same; procuring gas, water or electricity, by device, with intent to defraud, and the criminal penalty for the same; placing a dam or obstructions in watercourses, and the criminal penalty for the same; setting forth requirements for the purchase of scrap metal by scrap metal purchasing businesses, salvage yards, or recycling facilities; requiring certificates, records, and reports of such purchases; providing criminal penalties for violations of these provisions; setting forth requirements for the purchase of items by precious metals and gem dealers, records to be kept by them, and delineating prohibited acts, and the criminal penalty for the same; criminalizing the unauthorized use of dumpsters and setting forth penalties; defining the offense of identity theft and providing a penalty; criminalizing the failure to pay for gasoline and providing a penalty; the offense of scanning device or re-encoder fraud, delineating when it is a felony; providing definitions; and setting forth criminal penalties for the same; the offense of possession of bogus receipts or universal product codes with intent to defraud, and the criminal penalties for the same; the offense of misrepresentation of past or present military status or military awards to obtain anything of value, and delineating criminal penalties for the same; relating to shoplifting; prescribing penalties; defining the crime of organized retail theft, and providing penalties for that offence, all relating to trespass; trespass in a structure or conveyance and penalties for the same; trespass on property other than a structure or conveyance, removal, injury to or destruction of property, monuments designating land boundaries and of certain no trespassing signs and penalties for the same; trespass on student residence premises or student facility premises of an institution of higher education and penalties

for the same; trespass on state government property; aiding and abetting; penalties for each of those offenses; defining the offense of mine trespass, and penalties for the same; defining animal or crop facilities trespass; providing penalties for the same; allowing for injunctive relief in such instances; offenses involving damage to shrubbery, flowers, trees and timber; providing for a limitation of application of the relevant subsection, and providing penalties; prohibiting cutting, damaging, or carrying away without written permission, any timber, trees, growing plants or the products thereof; treble damages provided for the same; creating the Critical Infrastructure Protection Act; defining terms relevant to the same; prohibiting certain acts, including trespass and conspiracy to trespass against property designated a critical infrastructure facility; providing criminal penalties; and, allowing for certain forms of civil action in such instances; relating to the West Virginia Computer Crime And Abuse Act, defining terms; computer fraud; access to legislative or state-owned computer; criminal penalties for the same; unauthorized access to computer services and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; unauthorized possession of computer data or programs and criminal penalties for the same; alteration, destruction, etc., of computer equipment, and criminal penalties for the same; unauthorized possession of computer information, and criminal penalties for the same; disclosure of computer security information and criminal penalties for the same; computer invasion of privacy and criminal penalties for the same; fraud and related activity in connection with access devices, and criminal penalties for the same; endangering public safety, and criminal penalties for the same; obscene, anonymous, harassing and threatening communications by computer, cell phones and electronic communication devices, and criminal penalties for the same; soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; cyberbullying or specific acts of electronic harassment of minors; definitions; criminal penalties for the same; exceptions; use of a computer as an instrument of forgery; civil relief and damages available; defenses to criminal prosecution; venue; prosecution under other criminal statutes not prohibited; personal jurisdiction; and, severability; relating to the theft of cable television services, the acquisition of cable television services, and penalties for wrongfully acquitting the same; sale or transfer of a device or plan intended for acquisition or diversion, and criminal penalties for the same; illegal possession of destructive devices, explosive materials or incendiary devices; and the criminal penalty for the same; criminal use of destructive device, explosive material or incendiary device; and the criminal penalty for the same; causing accidental or intentional death or injury; penalties; causing death or injury to an explosives detection animal; and the penalty for the same; manufacture, purchase, sale, advertising for sale, transporting or possession or use of a hoax bomb; possession or use in commission of a felony; and the penalty for the same; theft of explosive material from storage magazines or buildings; and the penalty for the same; receipt, possession, storage, sale or transportation of stolen explosive material; and the criminal penalty; wanton endangerment involving destructive devices, explosive materials or incendiary devices; and the criminal penalty; contraband, seizure, forfeiture of explosive devices; relating to crimes involving worthless checks; obtaining property in return for worthless checks, and the criminal penalties for the same; making, issuing, etc., worthless checks on a preexisting debt, and the criminal penalties for the same; payment as a defense to such offenses; requiring making a statement for the reason for dishonor a duty of the drawee; defining what constitutes prima facie evidence of knowledge, setting forth requirements for identity, and providing a criminal penalty for providing false information; requiring a notice of dishonor by payee, and providing for a service charge; prescribing manner of filing complaint for warrant and the form thereof; providing guidance for a complaint, what constitutes notice of complaint, and the issuance of a warrant; delineating payment procedures, and imposing costs; providing for the payment of costs in worthless check cases, and the disposition of certain costs; requiring the preparation of a list of worthless check warrants; the use of that worthless check list upon receipt of complaint for warrant; delineating the duties of a prosecuting attorney upon receipt of notice of multiple worthless check warrants; requiring the

magistrate court clerk to advise complainant; providing for the creation and operation of a program for worthless check offenders, and requirements for acceptance of a person in that program; requiring certain notice to persons accepted to the worthless check restitution program; agreement to suspend prosecution of a person accepted into the restitution program; providing for fees for participation in the worthless check restitution program; and, providing that statements by individuals referred to or participating in the worthless check restitution program are criminally inadmissible; relating to forgery, crimes against the currency, the forgery of public records, certificates, returns or attestation of a court or officer; and the criminal penalty for the same; forgery of official seals; keeping or concealing instrument for forging same; and the criminal penalty for the same; counterfeiting, and the criminal penalty for the same; making plates, etc., for forgery; possession of same; and the criminal penalty for that offense; forging or uttering other writing and the criminal penalty for the same; creation of unauthorized demand draft; possession of counterfeit currency with intent to utter; and the criminal penalty for the same; unauthorized currency, and the criminal penalty for the same; passing or receiving unauthorized currency knowingly, and the criminal penalty for the same; and, the unauthorized use, transfer, acquisition, alteration or possession of certain benefits and the criminal penalty for the same; payment cards and falsely making or lading the same, and the criminal penalty therefore; relating to crimes against public justice generally; perjury and subornation of perjury defined; false swearing defined, and the criminal penalties for perjury, subornation of perjury, and false swearing; aiding escape and other offenses relating to adults and juveniles in custody or confinement; and criminal penalties for the same; permitting escape; refusal of custody of prisoner; and criminal penalties for the same; persons in custody of institutions or officers; escapes and aiding in escapes; and criminal penalties for the same; terms of confinement in addition to previous sentence; escapes from, and other offenses relating to, state benevolent and correctional institution, or private prison or mental health facilities and criminal penalties for the same; escape from custody of the commissioner of corrections and criminal penalties for the same; escape from custody of the director of juvenile services; refusal of officer to make, or delay in making, arrest; and criminal penalties for the same; refusal of person to aid officer and criminal penalties for the same; refusal of officer to execute act or process of legislature or order of governor; and criminal penalty for the same; obstructing officer; fleeing from officer; making false statements to officer; interfering with emergency communications; criminal penalties for the same; definition; officer not liable for act done under statute or executive order afterward declared unconstitutional; compounding offenses and misprision and criminal penalties for the same; exacting excessive fees and criminal penalties for the same; issuing fraudulent fee bills and criminal penalties for the same; alteration, concealment or destruction of public record by officer and criminal penalty for the same; larceny, concealment or destruction of public record by person not officer; and criminal penalty for the same; corrupt summoning of jurors to find biased verdict; and criminal penalty for the same; procuring the summoning of biased juror by party other than officer; and criminal penalty for the same; discrimination against employee summoned for jury duty; and criminal penalty for the same; contempt of court; what constitutes contempt; jury trial; presence of defendant; criminal penalty for the same; fraudulent official proceedings; causing a public employee or official to file a fraudulent legal process and criminal penalty for the same; impersonation of a public official, employee or tribunal; and criminal penalties for the same; impersonation of a public official or tribunal; impersonation of a law-enforcement officer; and criminal penalties for the same; subsequent offense; failure to perform official duties and criminal penalty for the same; the failure to meet an obligation to pay support to a minor and criminal penalties for the same; relating to bribery and corrupt practices, and the criminal penalties for such offenses; relating to crimes against the peace generally; mobs and lynching, and the criminal penalties for the same; liability of county or city in such instances; disturbance of religious worship and the criminal penalty for the same; disturbance of schools, societies, and other assemblies and the criminal penalty for the same; loitering on school property and the criminal penalty for the same; exceptions; camping

upon governmental grounds or lawns and the criminal penalty for the same; public nuisance; false reports concerning bombs or other explosive devices and the criminal penalty for the same; falsely reporting an emergency incident and the criminal penalty for the same; willful disruption of governmental processes; offenses occurring at State Capitol Complex; and the criminal penalties for the same; threats of terrorist acts, conveying false information concerning terrorist acts and committing terrorist hoaxes prohibited, and the criminal penalties for the same; prohibiting violations of an individual's civil rights; and the criminal penalties for the same; wearing masks, hoods or face coverings and the criminal penalty for the same; falsely reporting child abuse and the criminal penalty for the same; classifying criminal penalties for failing to register as a sex offender, failure to provide information change, and providing false information to the sex offender registry; deleting requirement that a person be deemed a rioter if they failed to provide required assistance at a riot; classify the penalty for crime of failure to obey an order given at a riot or unlawful assembly; providing that the crime of disorderly conduct is a petty offense; modifying penalties for carrying a deadly weapon without provisional license or other authorization by persons under twenty-one years of age; enumerating penalty for violation of the confidentiality provisions of a concealed carry license application; providing for a provisional license to carry deadly weapons and how the same is obtained; revocation of concealed carry license; providing exceptions as to prohibitions against carrying concealed handguns for persons at least eighteen years of age and fewer than twenty-one years of age and exemptions for the same from licensing fees; providing for reciprocity and recognition of out-of-state concealed handgun permits; enumerating persons prohibited from possessing firearms; setting forth the right of nonprohibited persons over twenty-one years of age to carry concealed deadly weapons; defining offenses and penalties; describing a process for reinstatement of rights to possess and offenses and penalties; prohibiting possession of deadly weapons by minors; defining brandishing deadly weapons and thereby threatening or causing breach of the peace, and providing criminal penalties for the same; creating and defining offenses of possessing deadly weapons on premises of educational facilities and on premises housing courts of law and family law courts; providing for reports by school principals; providing penalties including suspension of driver's license; defining offense of wanton endangerment using a firearm and providing penalties; right of certain persons to limit possession of firearms on premises; persons prohibited from committing violent crime while wearing body armor and penalties for same; defining offense of use or presentation of a firearm during commission of a felony and penalties for the same; clarifying requirements for chief officer certification to transfer or make certain firearms and providing definitions and for appeal of same; providing rules of construction for the dangerous weapons article; defining the crime of bigamy; providing a misdemeanor penalty for bigamy; defining the crime of prostitution and related offenses; providing the penalty for prostitution; providing that a medical report certifying no sexually transmitted disease reduces penalty for prostitution; providing criminal penalty for solicitation of prostitute; providing enhanced criminal penalty for solicitation of an individual for prostitution who is less than 18 years of age, mentally defective or incapacitated; providing fines for soliciting prostitution be paid to the Crime Victims Compensation Fund in designated circumstances; defining the crime of detaining, recruiting, or inducing another to engage in prostitution, providing that a second offense of the same and recruitment of persons under the age of 18 are felony offenses; establishing that parents consenting to using a minor or mentally defective person for prostitution is guilty of a felony; establishing that causing a person to engage in prostitution because of debt or to receive value is subject to misdemeanor penalty; establishing that a person who forces, intimidates or threatens a spouse to engage in prostitution commits a felony offense; providing respective criminal penalties; establishing the criminal offense of abducting, enticing or harboring a child for prostitution; providing a criminal penalty; establishing the crime of promoting and advancing prostitution; defining a house of prostitution in context of promoting prostitution; permitting character evidence; providing criminal penalty, including additional fine; establishing the offense of sexual solicitation; providing a criminal penalty including

additional fine; providing an affirmative defense to sexual solicitation for victims of trafficking; providing affirmative defenses to prostitution relating to human trafficking, abduction and mental defect or incapacitation; establishing aggravating circumstances, restitution, and eligibility for Compensation Award to Victims of Crimes; providing that law enforcement notify Department of Health and Human Resources of child victims; providing that any property used for or derived from prostitution is subject to forfeiture; providing that persons convicted be debarred from state or local contracts; defining indecent exposure; clarifying that criminal indecent exposure cannot occur if victim grants permission; classifying criminal penalties for indecent exposure; classifying criminal penalties for inhaling or drinking certain intoxicating compounds; delineating crime of incest; defining 'step-relative' in context of the crime of incest; establishing that intercourse between two consenting adult step-relatives is not incest; classifying criminal penalty for incest; defining desecration and classifies criminal penalties for unlawful disinterment, desecration, injury to a grave marker or damage to cemetery; prohibiting certain demonstrations at a funeral; classifying criminal penalty for prohibited funeral demonstrations; classifying criminal penalty for obscene, anonymous and threatening phone calls; classifying criminal penalties for cruelty to animals; classifies criminal penalty for animal fighting, attending an animal fighting venture, or wagering at an animal fighting venture; establishing circumstances, sufficiency and application of a search warrant related to animal cruelty; extending search warrant authority for birds or animals kept for fighting to natural resources police; clarifying extent of searches without a warrant for fighting animals or birds; creating and defining the crime of sexual abuse of an animal and prescribing penalties, including providing for forfeiture of animals, payment of associated costs, providing for restrictions on owning animals upon conviction; and requiring psychiatric evaluation and payment of costs in certain circumstances; classifying criminal penalty for unlawful admission of children to places injurious to health or morals; classifying criminal penalty for under age false identification; classifying criminal penalty for criminal invasion of privacy; classifying criminal penalty for nonconsensual public disclosure of private intimate images; classifying criminal penalty for criminal loitering within certain distances of minor victims of sexually violent offenses or offenses; classifying penalties for disclosing or making photographs of accident or emergent situations public; classifying penalties for therapeutic deception; classifying penalties for therapeutic deception; expanding definition of computer applied to obscene matter and minors; classifying criminal penalties for distribution and display to minor of obscene matter; classifying criminal penalties for use of obscene matter with intent to seduce minor; classifying criminal penalties for use of minor to produce obscene matter or assist in doing sexually explicit conduct; classifying criminal penalties for sexual assault in the first degree; classifying criminal penalties for sexual assault in the second degree; classifying criminal penalties for sexual assault in the third degree; providing definitions of terms related to the criminal offense of sexual extortion; establishing the elements of the crime of sexual extortion; classifying criminal penalties for sexual abuse in the first degree; classifying criminal penalties for sexual abuse in the second degree; classifying criminal penalties for sexual abuse in the third degree; classifying enhanced criminal penalties for subsequent offenses committed by those previously convicted of sexually violent offenses against children; classifying criminal penalties for imposition of sexual acts on persons incarcerated or under supervision; delineating evidentiary standards for sexual offenses; delineating how courts may terminate certain parental rights when person is convicted for offenses against children; specifying that ignorance of victim creates incapacity to consent; allowing court to require payment of treatment cost for victim; providing limits on interviews of children 11 years old or less; providing for Forensic Medical Examination Fund for training of sexual assault nurse examiners; providing for payment for costs of forensic medical examination; requiring study of reimbursement of such costs and associated recordkeeping, disclosure standards, and confidentiality; providing a definitions of 'coerce' and 'visually portray' in the context of the crime of filming sexually explicit conduct of minors; classifying criminal penalty for producing a visual portrayal of a minor in sexually explicit conduct; providing for enhanced penalty

when parent distributes material displaying a child under their care in sexually explicit conduct; classifying penalties when any person distributes or exhibits material displaying a minor in sexually explicit conduct; classifying penalties for production, display or distribution of visual portrayals of partially clothed minors; defining 'visual portrayal' in context of prohibited possession, manufacture or distribution of inappropriate sexual portrayals by a minor; clarifying the definition of 'parent' in context of child abuse to include step or foster parent; classifying criminal penalties for murder of custodial child for failure or refusal to supply necessities; clarifying definition of 'recognized method of religious healing' in context of murder of custodial child for failure or refusal to supply necessities; classifying criminal penalties for death of a child by child abuse; classifying criminal penalties for child abuse causing or creating a risk of injury; classifying the criminal penalty for female genital mutilation; classifying the criminal penalty for child neglect resulting in death; in context of the crime of child neglect resulting in death, clarifying that care through recognized method of religious healing in lieu of medical treatment may not constitute neglect; defining recognized method of religious healing; classifying the criminal penalty for sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; classifying the criminal penalty for procuring, authorizing or inducing another to engage in sexual acts with a child under their care or custody; sexual abuse by a parent, guardian, custodian or person in a position of trust to a child; parent, guardian, custodian, or person in a position of trust procuring, authorizing, inducing a to a child 16 or older; definition of terms related to nuisances; designated elements for maintaining a nuisance; providing standing to bring an action to abate a nuisance; venue for a nuisance action; evidence and proof related to an action to abate nuisance; provisions and procedures related to an action to enjoin a nuisance; prima facie evidence of a nuisance; prosecution of a nuisance complaint; provisions for dismissal of a nuisance action; award of costs related to a nuisance action; when existence of nuisance established permanent injunction required; order of abatement for a nuisance; elements of a nuisance abatement order; removal and sale of movable property from a nuisance; liability of officers disposing of property from a nuisance proceeding; criminal offense of contempt related to nuisance proceedings; definition of terms related to gaming and gambling; criminal offense for possessing or dealing in unlicensed gaming devices or permitting an unlicensed gambling device on premises under unauthorized ownership, leasehold, occupation or possession; seizure of unlicensed gaming or gambling devices; criminal offense of acting as a guard or interfering with lawful intervention for gambling premises; criminal offense of unauthorized wagering on outcomes of uncertain events or prohibited games; criminal offense of betting on games of chance; criminal offense for a unauthorized commercial gambling at a hotel or tavern; criminal offense for cheating at gaming; criminal offense of unauthorized dealing in gambling device; defining lottery and raffle; criminal offense for unauthorized operation of an illegal lottery or raffle; criminal offense for unauthorized sale of a voucher or certificate for gambling on outcome of sporting events, games of skill or other sport or contest; declaring premises for unauthorized commercial gambling a nuisance; providing that proceeds of an illegal lottery forfeit to the state; criminal offense of keeping policy or numbers slips; seizure of designated gambling devices and equipment; providing seizure authority for gambling articles or apparatuses; classifying criminal penalties for crime of certain public officials with pecuniary interest in certain public contracts; classifying the criminal offense of unlawful showing of pictures, advertisement or theatrical productions calculated to arouse prejudicial ire or feelings; classifying the criminal offense of lobbying on the floor of the Legislature; classifying the crime of employers who fail or refuse to pay contracted employment benefits or contributions; clarifying the elements of the crime of bribery of participants in professional or amateur games and horse racing; classifying the criminal penalty for debt pooling; clarifying the elements of the crime of debt pooling; classifying the criminal penalty for failure to maintain and affix a cover for a water well; classify the penalty for the crime of conspiracy; classify the penalty for the crime of unlawful contact with a corrections employee or a member of the parole board; classifying the penalty for prohibited sale of certain caffeine products; generally providing for the sentence of

felons; providing corruption of blood and forfeiture of estate abolished; providing the commission of a felony shall not stay or merge any civil remedy; classifying the criminal penalties for punishment of principals in the second degree and designated accessories; delineating attempt crimes and the classification and penalties for the same; classifying the criminal penalties for solicitation to commit certain crimes; delineating punishments for second or third offense of felony; explaining the treatment of cumulative sentences; providing for pretrial diversion agreements, conditions of the same, and for drug court programs; providing for deferred adjudication; providing for expungement of certain criminal convictions with approved treatment or recovery and job program; providing for limitation on expungement for certain motor vehicle traffic control offenses; classifying the criminal penalties for crimes related to post mortem examinations; classifying the criminal penalties for failing to secure a cremation permit; clarifying evidentiary admissibility of autopsy reports an investigations; classifying the penalties for organized criminal enterprise offenses; classifying the criminal penalties for the offense of human trafficking; classify the criminal penalties for the offense of forced labor; classifying the criminal penalties for the offense of using adults or minors in debt bondage; classifying the criminal penalties for the offense of coercing or compelling an individual to engage in commercial sexual; classifying the criminal penalties for the offense of patronizing a victim of sexual servitude; establishing that an individual convicted of a human trafficking offense who is sentenced to life without mercy is not eligible for parole; providing immunity for minor victims of sex trafficking; providing for vacation and expungement of criminal conviction for persons sexually trafficked; classifying the criminal penalty for money laundering; classifying the criminal penalty for prohibited use of unmanned aircraft systems; classifying criminal offenses and respective sentencing dispositions; establishing that felonies are classified into six categories and misdemeanors are classified into three categories; providing that petty offenses are not classified; establishing that criminal classification is derived from the defining criminal section or chapter; establishing that petty offenses are specifically designated to include any crime without specified designation or classification; providing that offenses noted outside Chapter 61 which are not designated as a felony, misdemeanor or petty offense, are punished under the prescribed statutory penalty; unless provided otherwise felony imprisonment sentence is a term of definite years; establishing respective range of felony terms of imprisonment into six classifications; establishing respective range of misdemeanor terms of imprisonment within three classifications; providing discretion to the sentencing court to treat a Class 6 felony as a Class 1 misdemeanor with noted exceptions; providing the trial court impose its sentence within designated range of maximum and minimum terms; requiring the court to consider aggravating and mitigating circumstances as well as the pre-sentence report; providing potential increased sentence for crimes near a school which may exceed maximum sentencing limits; provides that a felony sentence must be a definite term of years served in the state Department of Corrections; establishing requirements for transfer of custody; providing a range of imprisonment term for all six felony classes; providing that misdemeanor sentences are for a definite term to be served at somewhere other than the state Department of Corrections; establishing respective limitations of imprisonment for the three classes of misdemeanors; providing discretion to the court, in certain circumstances, to treat a Class 6 felony as a Class 1 misdemeanor; providing for reimbursement of incarceration costs for misdemeanor offenses; providing court with discretion to increase sentence by one year for offenses near a school; establishing that school vicinity sentence enhancement may exceed statutory limit; further providing that if the victim of an offense is a child but is not within the designated range of a school that the court may consider relevant circumstances and increase the sentence two years; establishing fines for felony offenses; establishing fines for misdemeanor offenses; for purposes of sentencing, defining an 'enterprise' as any entity other than a person; providing graduated penalty of fines imposed upon enterprise for criminal offenses; establishing that a judgment of fine against an enterprise constitutes a lien; establishing relevant factors for the court to consider when sentencing an enterprise for criminal conduct; requiring the court to order a person

incarcerated for a criminal offense to pay incarceration costs; establishing factors for the court to consider when assessing payment of incarceration costs; providing that an alleged victim of sexual offense may not be required to submit to a polygraph examination or other truth telling device as a condition of investigating an alleged offense nor may prosecutors or law-enforcement officers decline to proceed if the victim refuses such examination; delineating eligibility for probation; and, providing for a period of extended supervision for certain sexual offenders"; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 2528** - "A Bill to amend and reenact §17-3-2, of the Code of West Virginia, 1931, as amended; relating to payments from the state road fund; authorizing transfer of spending authority between appropriations; and requiring reports to the Governor and the Joint Legislative Commission of the Department of Transportation Accountability"; to the Committee on Finance.

**By Delegates Zatezalo, Barnhart, Cooper, Howell, Anderson, Smith, Linville, Willis, Criss, Butler and Chiarelli:**

**H. B. 2529** - "A Bill to amend and reenact §3-10-3 of the Code of West Virginia, 1931, as amended, relating to when vacancies in the office of magistrate shall be filled by election or appointment; clarifying that when a vacancy in the office of magistrate creates an unexpired term of more than three years the vacancy shall be filled by election; and clarifying that when a vacancy in the office of magistrate creates an unexpired term of less than three years the vacancy shall be filled by appointment"; to the Committee on the Judiciary.

**By Delegate Linville:**

**H. B. 2530** - "A Bill to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all relating to the extension of the expiration of temporary registration plates from sixty days to ninety days"; to the Committee on Technology and Infrastructure.

**By Delegate Linville:**

**H. B. 2531** - "A Bill to amend and reenact §17-4-8, of the Code of West Virginia, 1931, as amended; relating to use of state road for rail crossing; requiring cooperation between the rail company and the Division of Highways when construction or maintenance activities are conducted by the company"; to the Committee on Technology and Infrastructure then the Judiciary.

**By Delegates Cooper, Longanacre, Anderson, Reynolds, Zatezalo, Heckert, Sheedy and Smith:**

**H. B. 2532** - "A Bill to amend and re-enact §9A-1-9, of the Code of West Virginia, 1931, as amended, relating to the creation of a liaison program with the federal Department of Veterans Affairs Transition Assistance Program in order to actively inform separating and retiring active component service members of the many incentives in relocating to West Virginia upon their conclusion of active service"; to the Committee on Veterans' Affairs and Homeland Security then Government Organization.

**By Delegate Linville:**

**H. B. 2533** - "A Bill to amend and reenact §17C-13-6 of the Code of West Virginia, 1931, as amended, relating to a permanent windshield placard to be valid for the duration of the applicant's life"; to the Committee on Technology and Infrastructure.

**By Delegates Summers and Forsht:**

**H. B. 2534** - "A Bill to repeal §5-16-5a and §5-16-5b of the Code of West Virginia, 1931, as amended; to amend and reenact §5-16-2, §5-16-3, §5-16-4, §5-16-5, §5-16-7, §5-16-7b, §5-16-7c, §5-16-7g, §5-16-8, §5-16-9, §5-16-10, §5-16-11, §5-16-13, §5-16-14, §5-16-15, §5-16-16, §5-16-18, §5-16-23, §5-16-25, §5-16-26, §5-16-28; and to amend said code by adding thereto one new section, designated §5-16-30; relating to public employees insurance"; to the Committee on Banking and Insurance then Finance.

**By Delegates Summers, Tully, Forsht and Petitto:**

**H. B. 2535** - "A Bill to amend and reenact §5-16-7f of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §9-5-31; to amend and reenact §33-15-4s of said code; to amend and reenact §33-16-3dd of said code; to amend and reenact §33-24-7s of said code; to amend and reenact §33-25-8p of said code; and to amend and reenact §33-25A-8s of said code, all relating to prior authorizations; defining terms; requiring prior authorizations and relating communications to be submitted via an electronic portal; requiring electronic notification to the health care provider and insured confirming receipt of the prior authorization; establishing timelines for compliance; providing communication via the portal regarding the current status of the prior authorization; reducing timeframes for prior authorization requests; providing a timeframe for a decision to be rendered after the receipt of additional information; providing a timeframe for a claim to be submitted to audit or if the step therapy is incomplete; requiring a provider conducting peer review to be licensed in West Virginia; revising the percentage approval for a health care provider to be considered for an exemption from prior authorization criteria; removing criteria related to electronic submission of pharmacy benefits; amending effective date; requiring oversight and data collection by the Office of the Insurance Commissioner and the Inspector General; providing for civil penalties"; to the Committee on Health and Human Resources.

**By Delegates Summers, Tully, Forsht, Miller and Heckert:**

**H. B. 2536** - "A Bill to amend and reenact §16-3-4 of the Code of West Virginia, 1931, as amended, relating to compulsory immunizations; permitting physicians to provide exemption certificates relating to required immunizations; and removing requirement for certain personnel to report persons not immunized"; to the Committee on Health and Human Resources.

**By Delegates Summers, Kelly, Petitto, Heckert, Forsht and Foggin:**

**H. B. 2537** - "A Bill to amend and reenact §47-18-3 of the Code of West Virginia, 1931, as amended, relating to prohibiting certain contract provisions"; to the Committee on the Judiciary.

**By Delegates Summers, Shamblin, Forsht, Miller, Hite, Heckert, Petitto and Pinson:**

**H. B. 2538** - "A Bill to amend and reenact §49-1-203 of the Code of West Virginia, 1931, as amended, to amend and reenact §49-2-111c of said code, all relating to foster care"; to the Committee on Senior, Children, and Family Issues then Health and Human Resources.

**By Delegates Westfall, Hott and Barnhart:**

**H. B. 2539** - "A Bill to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17D-7-1, §17D-7-2, §17D-7-3, §17D-7-4, §17D-7-5 and §17D-7-6, all relating to creating the Delivery Network Company Insurance Act; setting forth definitions; clarifying interaction with other code provisions; setting forth insurance requirements; providing for disclosures to delivery network drivers; providing for exclusions in motor vehicle liability insurance policies; and identifying the effective date"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegates Westfall and Hott:**

**H. B. 2540** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §33-62-1, §33-62-2, §33-62-3, §33-62-4, §33-62-5, §33-62-6, §33-62-7, §33-62-8, §33-62-9, §33-62-10, §33-62-11, §33-62-12, §33-62-13, §33-62-14, §33-62-15, relating to adopting the Travel Insurance Model Act; giving this act a short title; listing the scope and purposes; providing definitions; providing licensing and registration requirements; establishing a premium tax; setting a competitive market; establishing forms and rates; setting methods enabling the Commissioner to set pricing structure; establishing acceptable sales practices; establishing requirements for travel administrators; setting registration requirements; allowing for both individual and group policies; granting the Commissioner enforcement powers; granting rulemaking for the Commissioner; and setting an effective date"; to the Committee on Banking and Insurance then the Judiciary.

**By Delegate Criss:**

**H. B. 2541** - "A Bill to amend and reenact §16-5Y-2, §16-5Y-3, §16-5Y-5, §16-5Y-6, §16-5Y-7, §16-5Y-8, and §16-5Y-10 of the Code of West Virginia, 1931, as amended, all relating to creating a licensing requirement for the operation of inpatient provider facilities treating substance use disorder"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates Coop-Gonzalez, C. Pritt, Martin, Kirby, Phillips, Sheedy, Nestor, Brooks and Willis:**

**H. B. 2542** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6D-1, §5A-6D-2, and §5A-6D-3, all relating to the creation of the 'No TikTok on Government Devices Act'; providing for a definition; and providing for enactment of the article"; to the Committee on Government Organization.

**By Delegate Criss:**

**H. B. 2543** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-66-1, §16-66-2, §16-66-3, §16-66-4, §16-66-5, §16-66-6, §16-66-7, §16-66-8, §16-66-9, and §16-66-10, all relating to residential substance use disorder service programs; defining terms; establishing licensure application process for substance use disorder service programs; creating program requirements; establishing revocation process; setting forth the reconsideration process; setting forth the administrative due process provision; providing for administrative and judicial appeal; establishing reporting requirements and renewal provisions; setting requirements for continuum of care; and establishing civil penalties and injunctive relief"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources then the Judiciary.

**By Delegate Criss:**

**H. B. 2544** - "A Bill to amend and reenact §16-62-2 of the Code of West Virginia, 1931, as amended, relating to making the investigation and enforcement of the Patient Brokering Act the responsibility of the Office of Health Facility Licensure and Certification ('OHFLAC'); and requiring OHFLAC to develop a tool to facilitate public complaints about the Patient Brokering Act"; to the Committee on Health and Human Resources.

**By Delegate Criss:**

**H. B. 2545** - "A Bill to amend and reenact §9-2-6 of the code of West Virginia, 1931, as amended, relating to requiring the Secretary of Human Services to engage behavioral health and substance use disorder providers, municipal leaders, and county government leaders to study a breakdown of homeless demographic information throughout West Virginia; and report the

findings of the study to the President of the Senate, Speaker of the House of Delegates, and the Joint Committee on Government and Finance"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegate Criss:**

**H. B. 2546** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-53-4, relating to requiring substance use disorder inpatient providers to provide transportation to their patients; to prohibit certain marketing or partnering, and requiring approval for limitation of eligibility"; to the Committee on Prevention and Treatment of Substance Abuse then Health and Human Resources.

**By Delegates C. Pritt, Horst, Coop-Gonzalez, Dean, Kirby, Kimble, Martin, Nestor and Longanacre:**

**H. B. 2547** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-17-1, §62-17-2, §62-17-3, §62-17-4, §62-17-5, §62-17-6, §62-17-7, §62-17-8, §62-17-9, §62-17-10, §62-17-11, §62-17-12, §62-17-13, §62-17-14, §62-17-15, §62-17-16, §62-17-17, §62-17-18, §62-17-19, §62-17-20, §62-17-21, §62-17-22, §62-17-23, §62-17-24, §62-17-25, §62-17-26, §62-17-27, §62-17-28, and §62-17-29, all relating to the criminal forfeiture process act; titling the act; establishing applicability; defining terms; establishing the process for seizure; requiring a conviction for forfeiture; defining jurisdiction; establishing restraints and exceptions for seizure; creating exceptions; establishing the process for secured interest holders and property owned by innocent parties; establishing the process for property covered by a lien; establishing the process for payment of fees and costs; and creating sales restrictions"; to the Committee on the Judiciary.

**By Delegates Kelly, Hott, Phillips, Honaker, Riley, Jeffries, Sheedy, Heckert, Shamblin, Petitto and Forsht:**

**H. B. 2548** - "A Bill to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended, relating to temporary identification cards for released inmates; clarifying that the temporary identification cards are issued at no cost to the inmate; and extending the validity of the temporary identification cards"; to the Committee on Jails and Prisons then the Judiciary.

**By Delegates Smith, Horst, Phillips, Crouse, Clark, Householder, Jennings, Tully, Honaker, Ellington and Longanacre:**

**H. B. 2549** - "A Bill to amend and reenact §61-7-11a of the Code of West Virginia, 1931, as amended, relating to possessing deadly weapons on premises of educational facilities; and authorizing teachers in elementary or secondary schools to carry concealed firearms and be designated as a school protection officer"; to the Committee on Education then the Judiciary.

**By Delegates Smith, Horst, Phillips, Crouse, Pinson, Honaker, Howell, Steele, Dean, Ellington and Longanacre:**

**H. B. 2550** - "A Bill to amend and reenact §61-6-19 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §61-7-18, all relating to carrying a concealed handgun by off duty or retired law-enforcement officers; authorizing off duty or retired law-enforcement officers to conceal carry on and in the State Capitol Complex; and to define terms"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2551** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-8-1b, relating to ensuring that qualified homeschool graduates are

given the same postsecondary educational and career opportunities as those in public, private, or parochial schools"; to the Committee on Education.

**By Delegates Hansen, Young, Williams and Walker:**

**H. B. 2552** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §22-1-4, relating to requiring disclosure of the lawful activity that is the basis of a permit application with the Department of Environmental Protection; and providing exceptions thereto"; to the Committee on Energy and Manufacturing then the Judiciary.

**By Delegates Nestor, Horst, Hanna, Longanacre, Martin, Hott, Barnhart, Kump, Storch, Phillips and Honaker:**

**H. B. 2553** - "A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-2-63, relating to discounting lifetime hunting, fishing, and trapping fees for persons honorably discharged from the United States armed forces; providing that the lifetime hunting, trapping, and fishing licenses and permits are discounted by 75 percent for this class of persons; including eligibility requirements; requiring compliance with all other requirements to obtain lifetime license; and granting rulemaking authority"; to the Committee on Veterans' Affairs and Homeland Security then Finance.

**By Delegates Smith, Westfall, Zatezalo, Pushkin, Phillips, Crouse, Householder, Steele, Ellington, Dean and Martin:**

**H. B. 2554** - "A Bill to amend and reenact §60-6-10 of the Code of West Virginia, 1931, as amended, relating to allowing a person to manufacture a stated amount of alcoholic liquor for personal consumption"; to the Committee on the Judiciary.

**By Delegate Foster:**

**H. B. 2555** - "A Bill to amend and reenact §61-2-2 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto seven new sections, designated §61-2-2a, §61-2-2b, §61-2-2c, §61-2-2d, §61-2-2e, §61-2-2f, and §61-2-2g; and to amend said code by adding thereto four new sections, designated §62-7-4, §62-7-5, §62-7-6, and §62-7-6a; to repeal §61-11-2 of said code; and to repeal §62-3-15 of said code, all relating to death penalty for first degree murder; procedures, standards, and findings applicable to imposition thereof in certain instances including aggravating and mitigating circumstances; sentencing; providing automatic review of the death penalty by the Supreme Court of Appeals; providing for forensic deoxyribonucleic acid ('DNA') testing of biological material in death penalty cases; providing for execution of the death sentence by lethal injection; providing for delivery of sentence of death to officer retaining custody of person so sentenced; providing for transmission of indictment, order of conviction, sentence, and judgment entered thereon to the warden of the state correctional facility; transfer of person sentenced to death to the state correctional facility; execution; providing presence of certain persons be requested for the execution; providing for certification that sentence of death has been executed; and providing for disposition of the body"; to the Committee on the Judiciary then Finance.

### Miscellaneous Business

Pursuant to House Rule 94b, forms were filed with the Clerk's Office to be added as a cosponsor of the following:

**H. B. 2070:** Delegate Hillenbrand;

**H. B. 2016:** Delegate Espinosa;

**H. B. 2080:** Delegate Fehrenbacher;

**H. B. 2136:** Delegate Hillenbrand;

**H. B. 2228:** Delegate Espinosa;

**H. B. 2407:** Delegate Barnhart;

**H. B. 2506:** Delegates Fehrenbacher and Chiarelli;

And,

**H. B. 2523:** Delegate Espinosa.

At 11:12 a.m., the House of Delegates adjourned until 11:00 a.m., Monday, January 16, 2023.

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**HOUSE OF DELEGATES**  
**STEPHEN J. HARRISON, Clerk**  
**Building 1, Room M-212**  
**1900 Kanawha Blvd., East**  
**Charleston, WV 25305-0470**

**SPECIAL CALENDAR**

**Monday, January 16, 2023**

**6<sup>th</sup> Day**

**11:00 A. M.**

**FIRST READING**

Com. Sub. for H. B. 2526 - Reducing personal income tax rates by 50 percent of the current rates over the course of three years (CRISS) [EFFECTIVE FROM PASSAGE]

**HOUSE CALENDAR**

**Monday, January 16, 2023**

**6<sup>th</sup> Day**

**11:00 A. M.**

**(No Bills)**



**WEST VIRGINIA  
HOUSE OF DELEGATES**

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**MONDAY, JANUARY 16, 2023**

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**HOUSE CONVENES AT 11:00 A.M.**

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**COMMITTEE ON GOVERNMENT ORGANIZATION  
1:00 P.M. – ROOM 215-E**

**COMMITTEE ON EDUCATION  
2:00 P.M. – ROOM 432-M**

**COMMITTEE ON THE JUDICIARY  
3:00 P.M. – ROOM 410-M**





HOUSE OF DELEGATES  
STEPHEN J. HARRISON, Clerk  
Building 1, Room M-212  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0470