WEST VIRGINIA CODE: §48-28-4

§48-28-4. Nonjudicial enforcement of order.

(a) A law-enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were a West Virginia protective order. Presentation of a foreign protection order that identifies both the protected individual and the respondent and that appears, on its face, to be authentic and currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law-enforcement officer of this state may consider other credible information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law-enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this article.

(e)(1) If, in the course of conducting an otherwise lawful arrest of a person who is a member of the United States Armed Forces, the West Virginia National Guard, or the National Guard of any other state, a law-enforcement officer of this state:

(A) Determines that a military protective order has been issued against the person subject to arrest and that said order is registered in the Federal Bureau of Investigation's National Crime Information Center database; and

(B) Has probable cause to believe that the person subject to arrest has violated the military protective order;

The law-enforcement officer shall notify the law-enforcement agency that entered the military protective order into the National Crime Information Center database of the arrest and the circumstances thereof.

(2) For purposes of this subsection, "military protective order" means a protective order issued by a commanding officer in the United States Armed Forces, the West Virginia

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National Guard, or the National Guard of any other state against a person under such officer's command.

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