

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

no: 802

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

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ENROLLED

Com. Sub. for
HOUSE BILL No. 802

(By Mrs. Hartman)

— ● —

Passed April 4, 1981

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 802
(By MRS. HARTMAN)

[Passed April 4, 1981; in effect ninety days from passage.]

AN ACT to amend article two-a, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nine, relating to the prevention of domestic violence and requiring law-enforcement agencies to maintain records on all incidents of family or household abuse reported to them and to make reports to department of public safety; contents of reports; identification of abused or abusing party not permitted; providing for compilation and dissemination with certain limitations, by the department of data derived from such reports.

Be it enacted by the Legislature of West Virginia:

That article two-a, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section nine, to read as follows:

ARTICLE 2A. PREVENTION OF DOMESTIC VIOLENCE.

§48-2A-9. Recording keeping and reporting.

- 1 (a) Each law-enforcement agency shall maintain records
- 2 on all incidents of family or household abuse reported to it, and

3 shall monthly make and deliver to the department of public
4 safety a report on a form prescribed by the department, listing
5 all such incidents of family or household abuse. Such reports
6 shall include:

7 (1) The age and sex of the abused and abusing parties;

8 (2) The relationship between the parties;

9 (3) The type and extent of abuse;

10 (4) The number and type of weapons involved;

11 (5) Whether the law-enforcement agency responded to the
12 complaint and if so, the time involved, the action taken and the
13 time lapse between the agency's action and the abused's request
14 for assistance;

15 (6) Whether the complaining party reported having filed
16 complaints with regard to family or household abuse on any
17 prior occasion and if so, the number of such prior complaints;
18 and

19 (7) The effective dates and terms of any order of protection
20 issued prior to or following the incident to protect the abused
21 party: *Provided*, That no information which will permit the
22 identification of the parties involved in any incident of abuse
23 shall be included in such report.

24 (b) The department of public safety shall tabulate and
25 analyze any statistical data derived from the reports made by
26 law-enforcement agencies pursuant to this section, and publish
27 a statistical compilation in the department's annual uniform
28 crime report, as provided for in section twenty-four, article
29 two, chapter fifteen of this code.

30 (c) The statistical compilation shall include, but is not
31 limited to, the following:

32 (1) The number of family violence complaints received;

33 (2) The number of complaints investigated;

34 (3) The number of complaints received from alleged vic-
35 tims of each sex;

36 (4) The average time lapse in responding to such com-
37 plaints;

38 (5) The number of complaints received from alleged vic-
39 tims who have filed such complaints on prior occasions;

40 (6) The number of aggravated assaults and homicides re-
41 sulting from such repeat incidents;

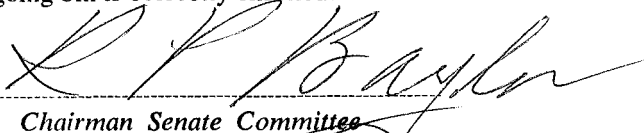
42 (7) The type of police action taken in disposition of the
43 cases; and

44 (8) The number of alleged violations of orders of pro-
45 tection.

46 (d) As used in this section, the terms “abuse” and “family
47 or household members” shall have the meanings given them in
48 section two, article two-a, chapter forty-eight of this code;
49 and the term “law-enforcement agency” shall include the West
50 Virginia department of welfare in those instances of child
51 abuse reported to the department which are not otherwise
52 reported to any other law-enforcement agency.

53 (e) Nothing in this section shall be construed to authorize
54 the inclusion of information contained in a report of an in-
55 cident of abuse in any local, state, interstate, national or in-
56 ternational systems of criminal identification pursuant to
57 section twenty-four, article two, chapter fifteen of this code:
58 *Provided*, That nothing in this section shall prohibit the de-
59 partment of public safety from processing information through
60 its criminal identification bureau with respect to any actual
61 charge or conviction of a crime.

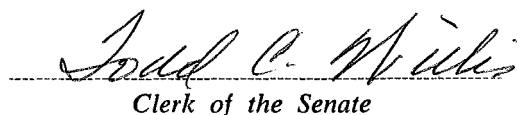
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

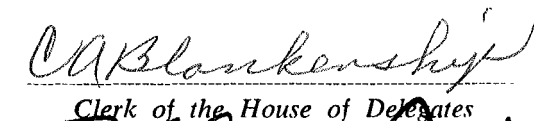

Chairman Senate Committee

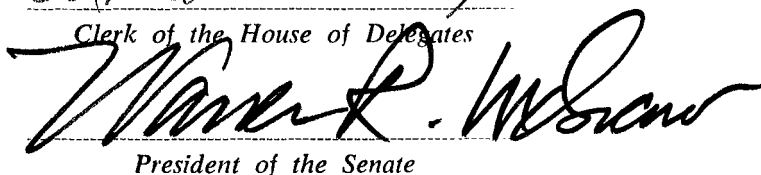

Chairman House Committee

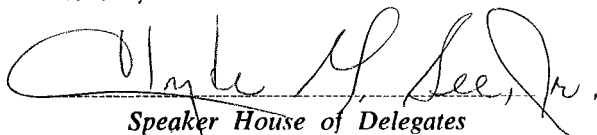
Originated in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 29
day of April, 1981.


Governor

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SECY. OF STATE

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