WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED
Com. Sub. for
HOUSE BILL No. 802

(By Mrs. Hartman)

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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.

1 (a) Each law-enforcement agency shall maintain records
2 on all incidents of family or household abuse reported to it, and
shall monthly make and deliver to the department of public
safety a report on a form prescribed by the department, listing
all such incidents of family or household abuse. Such reports
shall include:

(1) The age and sex of the abused and abusing parties;
(2) The relationship between the parties;
(3) The type and extent of abuse;
(4) The number and type of weapons involved;
(5) Whether the law-enforcement agency responded to the
complaint and if so, the time involved, the action taken and the
time lapse between the agency's action and the abused's request
for assistance;
(6) Whether the complaining party reported having filed
complaints with regard to family or household abuse on any
prior occasion and if so, the number of such prior complaints;
and
(7) The effective dates and terms of any order of protection
issued prior to or following the incident to protect the abused
party: Provided, That no information which will permit the
identification of the parties involved in any incident of abuse
shall be included in such report.

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

(c) The statistical compilation shall include, but is not
limited to, the following:
(1) The number of family violence complaints received;
(2) The number of complaints investigated;
(3) The number of complaints received from alleged vic-
tims of each sex;
(4) The average time lapse in responding to such com-
plaints;
(5) The number of complaints received from alleged victims who have filed such complaints on prior occasions;

(6) The number of aggravated assaults and homicides resulting from such repeat incidents;

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

(8) The number of alleged violations of orders of protection.

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

(e) Nothing in this section shall be construed to authorize the inclusion of information contained in a report of an incident of abuse in any local, state, interstate, national or international systems of criminal identification pursuant to section twenty-four, article two, chapter fifteen of this code:

Provided, That nothing in this section shall prohibit the department of public safety from processing information through its criminal identification bureau with respect to any actual 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 approved this the 29th day of April, 1981.

Governor