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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for

SENATE BILL NO. 128

(By Senator Kessler, et al)



PASSED March 11, 2000

In Effect ninety days from **Passage**

2291
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1 APR -3 AM 11: 18

HOUSE OF DELEGATES
COMMITTEE ROOM

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1 MAR 31 AM 10: 13

HOUSE OF DELEGATES
SENATE CHAMBER

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 128

(SENATORS KESSLER, DAWSON, MINARD, OLIVERIO, REDD, ROSS,
SNYDER, DEEM, BOWMAN, MCKENZIE, EDGELL, HUNTER,
MITCHELL, FANNING AND HELMICK, *original sponsors*)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two-a, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to redefining certain terms for purposes of domestic or family violence proceedings.

Be it enacted by the Legislature of West Virginia:

That section two, article two-a, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. PREVENTION AND TREATMENT OF DOMESTIC AND FAMILY VIOLENCE.

§48-2A-2. Definitions.

1 As used in this article, unless the context clearly requires
2 otherwise:

3 (a) “Family violence”, “domestic violence”, “domestic or
4 family violence” or “abuse” means the occurrence of one
5 or more of the following acts between family or household
6 members, as that term is defined in subsection (b) of this
7 section:

8 (1) Attempting to cause or intentionally, knowingly or
9 recklessly causing physical harm to another with or
10 without dangerous or deadly weapons;

11 (2) Placing another in reasonable apprehension of
12 physical harm;

13 (3) Creating fear of physical harm by harassment,
14 psychological abuse or threatening acts;

15 (4) Committing either sexual assault or sexual abuse as
16 those terms are defined in articles eight-b and eight-d,
17 chapter sixty-one of this code; and

18 (5) Holding, confining, detaining or abducting another
19 person against that person’s will.

20 (b) “Family or household members” means persons who:

21 (1) Are or were married to each other;

22 (2) Are or were living together as spouses;

23 (3) Are or were sexual or intimate partners;

24 (4) Are or were dating: *Provided*, That a casual ac-
25 quaintance or ordinary fraternization between persons in
26 a business or social context does not establish a dating
27 relationship;

28 (5) Are or were residing together in the same household;

29 (6) Are or were related by marriage or related by
30 consanguinity within the second degree;

31 (7) Have a child in common, regardless of whether they
32 have ever married or lived together; or

33 (8) Are the father, stepfather, mother, stepmother,
34 brother or sister of a family or household member de-
35 scribed in subdivisions one through seven of this subsec-
36 tion.

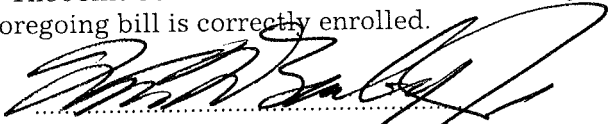
37 (c) "Program for victims of domestic or family violence"
38 means a licensed program for victims of domestic or
39 family violence and their children, which program pro-
40 vides advocacy, shelter, crisis intervention, social services,
41 treatment, counseling, education or training.

42 (d) "Program of intervention for perpetrators" means a
43 licensed program, where available, or if no licensed
44 program is available, a program that:

45 (1) Accepts perpetrators of domestic or family violence
46 into educational intervention groups or counseling pursu-
47 ant to a court order; or

48 (2) Offers educational intervention groups to perpetra-
49 tors of domestic or family violence.

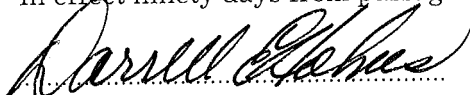
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

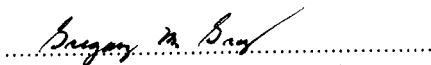

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Chairman Senate Committee

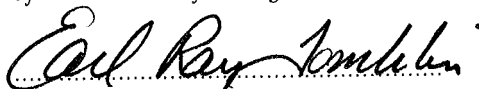

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Chairman House Committee

Originating in the Senate.

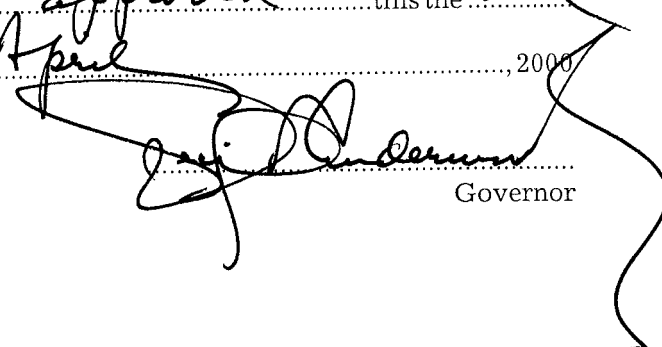
In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


.....
Speaker House of Delegates

The within..... *approved* this the *2nd*
Day of..... *April*, 2008

.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/00

Time 3:00 pm