WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

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ENROLLED

Committee Substitute for

SENEATE BILL NO. 128

(By Senator Kessler, et al)

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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.

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

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

1. Attempting to cause or intentionally, knowingly or recklessly causing physical harm to another with or without dangerous or deadly weapons;

2. Placing another in reasonable apprehension of physical harm;

3. Creating fear of physical harm by harassment, psychological abuse or threatening acts;

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

5. Holding, confining, detaining or abducting another person against that person's will.

(b) "Family or household members" means persons who:

1. Are or were married to each other;

2. Are or were living together as spouses;

3. Are or were sexual or intimate partners;

4. Are or were dating: Provided, That a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship;

5. Are or were residing together in the same household;
(6) Are or were related by marriage or related by consanguinity within the second degree;

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

(8) Are the father, stepfather, mother, stepmother, brother or sister of a family or household member described in subdivisions one through seven of this subsection.

(c) “Program for victims of domestic or family violence” means a licensed program for victims of domestic or family violence and their children, which program provides advocacy, shelter, crisis intervention, social services, treatment, counseling, education or training.

(d) “Program of intervention for perpetrators” means a licensed program, where available, or if no licensed program is available, a program that:

(1) Accepts perpetrators of domestic or family violence into educational intervention groups or counseling pursuant to a court order; or

(2) Offers educational intervention groups to perpetrators of domestic or family violence.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

 Originating in the Senate.

In 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 2nd
Day of April, 2006

Governor