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FILED

2006 MAR 23 P 4:49

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

SB 481

ENROLLED

SENATE BILL NO. 481

(By Senator Kessler, et al)

PASSED March 8, 2006

In Effect from Passage

FILED

2006 MAR 23 P 4: 49

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 481

(BY SENATORS KESSLER, DEMPSEY, FANNING, FOSTER,
HUNTER, MINARD, OLIVERIO, WHITE, CARUTH, DEEM,
HARRISON, LANHAM AND WEEKS)

[Passed March 8, 2006; in effect from passage.]

AN ACT to amend and reenact §48-27-311 of the Code of West Virginia, 1931, as amended, relating to domestic violence protective orders served on persons out-of-state having the same force and effect as those served in-state.

Be it enacted by the Legislature of West Virginia:

That §48-27-311 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

§48-27-311. Service of process.

1 A protective order may be served on the respondent by
2 means of a Class I legal advertisement published notice,
3 with the publication area being the county in which the
4 respondent resides, published in accordance with the
5 provisions of section two, article three, chapter fifty-nine
6 of this code if: (1) The petitioner files an affidavit with the

7 court stating that an attempt at personal service pursuant
8 to Rule 4 of the West Virginia Rules of Civil Procedure has
9 been unsuccessful or evidence is adduced at the hearing for
10 the protective order that the respondent has left the state
11 of West Virginia; and (2) a copy of the order is mailed by
12 certified or registered mail to the respondent at the respon-
13 dent's last known residence and returned undelivered.

14 Any protective order issued by the court of this state
15 which is served in compliance with the provisions of Rule
16 4(f) of the West Virginia Rules of Civil Procedure served
17 outside the boundaries of this state shall carry the same
18 force and effect as if it had been personally served within
19 this state's boundaries.

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

Randy White
.....
Chairman Senate Committee

W. Beun
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Barrett Hobbs
.....
Clerk of the Senate

Bugsy P. Bus
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Robert J. ...
.....
Speaker House of Delegates

The within *is approved* this the *23rd*
Day of *March*, 2006.

Paul M. Hancock III
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2006

Time 11:15 AM