

HB 2870 S
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FILED

2007 MAR 20 PM 4: 55

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2870**

(By Delegates Fleischauer, Hrutkay, Manchin, Doyle,
Hatfield, Marshall, Ellis, Shook, Guthrie and Mahan)



Passed March 7, 2007

In Effect Ninety Days from Passage

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FOR

H. B. 2870

(BY DELEGATES FLEISCHAUER, HRUTKAY, MANCHIN, DOYLE,
HATFIELD, MARSHALL, ELLIS, SHOOK, GUTHRIE AND MAHAN)

[Passed March 7, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §48-26-603 of the Code of West Virginia, 1931, as amended, relating to authorizing the court to order payment into the Domestic Violence Legal Services Fund under certain circumstances.

Be it enacted by the Legislature of West Virginia:

That §48-26-603 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 26. DOMESTIC VIOLENCE ACT.

§48-26-603. Domestic Violence Legal Services Fund.

1 (a) There is hereby established in the State Treasury a
2 special revenue account, designated as the "Domestic

3 Violence Legal Services Fund,” which shall be an
4 appropriated fund for receipt of grants, gifts, fees, or federal
5 or state funds designated for legal services for domestic
6 violence victims. Expenditures from the fund shall be limited
7 to attorneys employed by domestic violence shelters, or
8 employed by nonprofit agencies which establish a
9 collaborative relationship with a domestic violence shelter,
10 that provide civil legal services to victims of domestic
11 violence.

12 (b) Any court of this state may order a nonprevailing
13 party to pay an amount equivalent to the reasonable
14 attorney’s fee to which the prevailing litigant would be
15 entitled into the Domestic Violence Legal Services Fund,
16 established in subsection (a) of this section, if the following
17 circumstances occur:

18 (1) A prevailing litigant is entitled by statute or common
19 law to a reasonable attorney’s fee, and

20 (2) The prevailing litigant’s legal counsel informs the
21 court that no fee will be requested.

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



Chairman Senate Committee



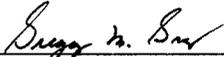
Chairman House Committee

Originating in the House.

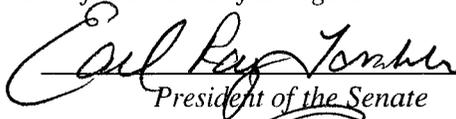
In effect ninety days from passage.



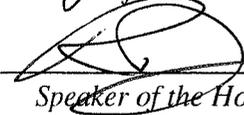
Clerk of the Senate



Clerk of the House of Delegates

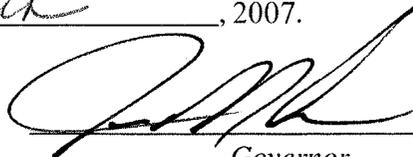


President of the Senate



Speaker of the House of Delegates

The within is approved this the 20th
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 15 2007

Time 4:00 pm