

2010 LEGISLATIVE RECAP

An overview of completed legislation

SB 490: Relating to Domestic Violence Protective Orders (DVPOs)

- Adds “stalking” to the civil definition of domestic violence.
- Provides for the protection of pets/animals as permissive relief.
- Gives court discretion to order any permissive relief necessary to protect the petitioner’s physical safety.
- Adds provision for automatic extensions of 180-day orders for an additional 90 days.
- Allows for 1-year orders when aggravating factors are present or when the court determines necessary.
- Allows for extensions beyond one year if there is a material violation of the existing PO.
- Closes loophole for civil contempt bonds.
- Increases penalties for 2nd, 3rd and subsequent misdemeanor offenses for violations of POs.

HB 4354: Relating to Firearms Seizure

Allows law enforcement to seize weapons possessed in violation of a PO within a final divorce order.

HB 4361: Relating to the Domestic Violence Registry

Allows for the sharing of information between governments required for the effective functioning of the DVPO Registry.

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SB 51: Relating to Parenting Plans for Military Parents

Requires parenting plans to include a plan for custody if one or both parents are deployed or called to active duty.

SB 498: Relating to the Civil Definition of Neglect of an Incapacitated Adult

Removes intent language, replaces with: *“The unreasonable failure by a caregiver to provide the care necessary to assure the physical safety or health of an incapacitated adult”*.

SB 533: Relating to the Criminal Definition of Child Sexual Abuse

Makes anyone *“who knowingly procures, authorizes, or induces another person to engage in or attempt to engage in”* the sexual abuse of a child guilty of a felony.

SB 597: Relating to Abortion

Requires patients to be informed of the opportunity to view an ultrasound image of the fetus prior to an abortion procedure; an anti-choice bill.

HB 4164: Relating to Foster Care Pilot Program (“Jacob’s Law”)

Establishes four intensive specialized foster care pilot programs, one in each of DHHR’s four regions, for children 4-10 years old.

HB 4373: Relating to WV’s Children’s Health Insurance Program (CHIP) Eligibility

Eliminates the period of potential ineligibility of an uninsured child to receive insurance under CHIP if they were previously insured by an employer sponsored insurance plan.

HB 4531: Relating to the Shackling of Pregnant Inmates

Prohibits the shackling of pregnant inmates after the second trimester except in extraordinary circumstances.

HCR 113: Relating to Firearms (Interim Study Resolution)

Requests an interim study on the sale, licensing and use of firearms.