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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976



ENROLLED

SENATE BILL NO. 205

(By Mr. Salumbo & Mr. Rouson)



PASSED March 9, 1976

In Effect ninty days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/18/76

ENROLLED

Senate Bill No. 205

(By MR. PALUMBO and MR. ROGERSON)

[Passed March 9, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section sixteen, article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to criminal acts; obscene, anonymous, harassing, repeated and threatening telephone calls; penalties.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-16. Obscene, anonymous, harassing, repeated and threatening telephone calls; penalty.

- 1 (a) It shall be unlawful for any person with intent to
- 2 harass or abuse another by means of telephone to:
- 3 (1) Make any comment, request, suggestion or pro-
- 4 posal which is obscene; or
- 5 (2) Make a telephone call, whether or not conversa-
- 6 tion ensues, without disclosing his identity and with
- 7 intent to harass any person at the called number; or
- 8 (3) Make or cause the telephone of another repeatedly
- 9 or continuously to ring, with intent to harass any person
- 10 at the called number; or
- 11 (4) Make repeated telephone calls, during which con-
- 12 versation ensues, with intent to harass any person at the
- 13 called number; or

14 (5) Threaten to commit a crime against any person or
15 property.

16 (b) It shall be unlawful for any person to knowingly
17 permit any telephone under his control to be used for
18 any purpose prohibited by this section.

19 (c) Any offense committed under this section may be
20 deemed to have occurred at the place at which the tele-
21 phone call was made, or the place at which the telephone
22 call was received.

23 (d) Any person who violates any provision of this
24 section shall be guilty of a misdemeanor, and, upon con-
25 viction thereof, shall be fined not more than five hundred
26 dollars, or imprisoned in the county jail not more than
27 six months, or both fined and imprisoned.

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

James L. Davis
Chairman Senate Committee

Lawrence L. Johnston
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

John D. Sullivan
Clerk of the Senate

Clara Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Lewis N. M. Means
Speaker House of Delegates

The within approved this the 16th
day of March, 1976

Anna. Harvey
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/76

Time 4:10 p.m.