WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 205

(By Mr. [Signature] and [Signature])

PASSED March 5, 1976

In Effect ninety days from Passage

F. Led 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 harass or abuse another by means of telephone to:

2 (1) Make any comment, request, suggestion or proposal which is obscene; or

3 (2) Make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to harass any person at the called number; or

4 (3) Make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

5 (4) Make repeated telephone calls, during which conversation ensues, with intent to harass any person at the called number; or
(5) Threaten to commit a crime against any person or
property.

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

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

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

Chairman House Committee

Originated 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 ________________________________ day of ________________________________ day of ________________________________ 1976

Governor
PRESENTED TO THE
GOVERNOR
Date 3/12/76
Time 4:10 p.m.