

No. 438

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

SENATE BILL NO. 438

(By Senator Spittler)



PASSED February 22, 1988

In Effect ninety days from Passage



E N R O L L E D
Senate Bill No. 438

(BY SENATOR WHITLOW)

[Passed February 22, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact section one-b, article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the crime of disorderly conduct; designating certain private places where such conduct may constitute a crime; setting forth penalty; and providing definitions.

Be it enacted by the Legislature of West Virginia:

That section one-b, article six, 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 6. CRIMES AGAINST THE PEACE.

§61-6-1b. Disorderly conduct; penalty.

1 (a) Any person who, in a public place, a mobile home
2 park, a public parking area, a common area of an apartment
3 building or dormitory, or a common area of a privately
4 owned commercial shopping center, mall or other group of
5 commercial retail establishments, disturbs the peace of
6 others by violent, profane, indecent or boisterous conduct
7 or language or by the making of unreasonably loud noise
8 that is intended to cause annoyance or alarm to another
9 person, and who persists in such conduct after being
10 requested to desist by a law-enforcement officer acting in

11 his lawful capacity, is guilty of disorderly conduct, a
12 misdemeanor, and, upon conviction thereof, shall be fined
13 not more than one hundred dollars.

14 (b) For purposes of this section:

15 (1) "Mobile home park" means a privately-owned
16 residential housing area or subdivision wherein the
17 dwelling units are comprised mainly of mobile homes and
18 wherein the occupants of such dwelling units share
19 common elements for purposes of ingress and egress,
20 parking, recreation and other like residential purposes.

21 (2) "Mobile home" means a moveable or portable unit,
22 designed and constructed to be towed on its own chassis
23 (comprised of frame and wheels), and designed to be
24 connected to utilities for year-round occupancy. The term
25 includes: (A) Units containing parts that may be folded,
26 collapsed or telescoped when being towed and that may be
27 expanded to provide additional cubic capacity, and (B)
28 units composed of two or more separately towable
29 components designed to be joined into one integral unit
30 capable of being separated again into the components for
31 repeated towing.

32 (3) "Public parking area" means an area, whether
33 publicly or privately owned or maintained, open to the use
34 of the public for parking motor vehicles.

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

Bernard Weiss
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Isaac C. Hillis
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Sam Tomlin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *1st*
day of *March* 1988.

Arch A. Shantz Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/24/88

Time 10:37 a.m.

RECEIVED

1998 MAR -4 PM 3:17

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE