HB 2353

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

ENROLLED

Com. Sub. For
HOUSE BILL No. 2353

(By Delegates Hunt, Seacrist, Amores, Farris, Grear, Trump, Tillis)

Passed March 7 1996

In Effect Ninety Days From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2353

(By Delegates Hunt, Seacrist, Amores, Farris, Greear, Trump and Tillis)

[Passed March 7, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article five, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article by adding thereto a new section, designated section seven, relating to prohibiting courts from ordering a name change for certain felons; prohibiting certain felons from applying for a name change; and providing for penalties including fines or incarceration for violations of the provision.

Be it enacted by the Legislature of West Virginia:

That section three, article five, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto a new section, designated section seven, to read as follows:

ARTICLE 5. CHANGE OF NAME.

§48-5-3. When court may order change of name.

1 Upon the filing of such petition, and upon proof of
2 the publication of such notice and of the matters set forth
3 in the petition, and being satisfied that no injury will be
4 done to any person by reason of such change, that

reasonable and proper cause exists for changing the name of petitioner, and that such change is not desired because of any fraudulent or evil intent on the part of the petitioner, the court or judge thereof in vacation may order a change of name as applied for except as provided by the provisions of this section. The court may not grant any change of name for any person convicted of any felony during the time that the person is incarcerated. The court may not grant any change of name for any person required to register with the state police pursuant to the provisions of article eight-f, chapter sixty-one of this code during the period that such person is required to register. The court may not grant a change of name for persons convicted of first degree murder in violation of section one, article two, chapter sixty-one of this code for a period of ten years after the person is discharged from imprisonment or is discharged from parole, whichever occurs later. The court may not grant a change of name of any person convicted of violating any provision of section fourteen-a, article two, chapter sixty-one of this code for a period of ten years after the person is discharged from imprisonment or is discharged from parole, whichever occurs later.

§48-5-7. Unlawful change of name by certain felons.

(a) It is unlawful for any person convicted of first degree murder in violation of section one, article two, chapter sixty-one of this code and for any person convicted of violating any provision of section fourteen-a, article two, chapter sixty-one of this code, for which a sentence of life imprisonment is imposed, to apply for a change of name for a period of ten years after the person is discharged from imprisonment or is discharged from parole, whichever occurs later.

(b) It is unlawful for any person required to register with the state police pursuant to the provisions of article eight-f, chapter sixty-one to apply for a change of name during the period that the person is required to register.

(c) It is unlawful for any person convicted of a felony to apply for a change of name during the period that such person is incarcerated.

(d) A person who violates the provisions of subsections (a), (b) or (c) of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred fifty dollars nor more than ten thousand dollars or imprisoned in the county or regional jail for not more than one year, or both fined and incarcerated.

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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes 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 1st day of April, 1996.

Governor

PRESENTED TO THE
GOVERNOR
Date 3/26/96
Time 4:07 pm