

HB 2353

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

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SECRETARY OF STATE

## ENROLLED

*Comm. Sub. For*  
**HOUSE BILL No. 2353**

(By Delegates *Hunt, Seacrist, Amores,*  
*Farris, Greear, 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)

OFFICE OF THE CLERK  
LEGISLATIVE DEPARTMENT  
STATE OF WEST VIRGINIA

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

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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

5 reasonable and proper cause exists for changing the name  
6 of petitioner, and that such change is not desired because  
7 of any fraudulent or evil intent on the part of the  
8 petitioner, the court or judge thereof in vacation may  
9 order a change of name as applied for except as provided  
10 by the provisions of this section. The court may not grant  
11 any change of name for any person convicted of any  
12 felony during the time that the person is incarcerated.  
13 The court may not grant any change of name for any  
14 person required to register with the state police pursuant to  
15 the provisions of article eight-f, chapter sixty-one of this  
16 code during the period that such person is required to  
17 register. The court may not grant a change of name for  
18 persons convicted of first degree murder in violation of  
19 section one, article two, chapter sixty-one of this code for  
20 a period of ten years after the person is discharged from  
21 imprisonment or is discharged from parole, whichever  
22 occurs later. The court may not grant a change of name  
23 of any person convicted of violating any provision of  
24 section fourteen-a, article two, chapter sixty-one of this  
25 code for a period of ten years after the person is  
26 discharged from imprisonment or is discharged from  
27 parole, whichever occurs later.

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

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

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

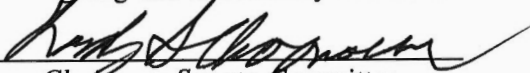
14 (c) It is unlawful for any person convicted of a felony  
15 to apply for a change of name during the period that such  
16 person is incarcerated.

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

*[Faint, illegible handwritten text]*

*[Faint, illegible handwritten text]*

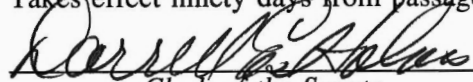
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

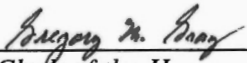
  
Chairman Senate Committee

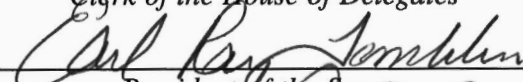
  
Chairman House Committee

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