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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 2726

(By Delegates C. White, Proudfoot, Underwood,
Shelton, Campbell and Coleman)



Passed March 13, 1998

In Effect Ninety Days from Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2726

(BY DELEGATES C. WHITE, PROUDFOOT, UNDERWOOD,
SHELTON, CAMPBELL AND COLEMAN)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifty-three, relating to establishing a misdemeanor offense of unauthorized use of a dumpster or solid waste container; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated fifty-three, to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-53. Unauthorized use of dumpsters.

- 1 (a) Any person who without authorization dumps
- 2 garbage or trash, or assists in the unauthorized dumping
- 3 of garbage or trash, in a dumpster or other solid waste
- 4 container which is located on the property of another

5 person and leased or otherwise owned or maintained by
6 another person is guilty of a misdemeanor and, upon
7 conviction thereof, shall be punished in accordance with
8 subsection (b) of this section. The act of throwing isolated
9 objects into a dumpster or other solid waste container in
10 the prevention or elimination of litter is specifically
11 excepted from any penalties under this section.

12 (b) Any person convicted of a misdemeanor under
13 subsection (a) of this section shall be subject to the
14 following penalties:

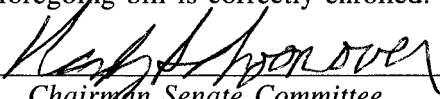
15 (1) Upon a first conviction under this section, the
16 defendant shall be fined not less than fifty dollars nor
17 more than two hundred fifty dollars.

18 (2) Upon a second conviction under this section, the
19 defendant shall be fined not less than two hundred fifty
20 dollars nor more than five hundred dollars.

21 (3) Upon any subsequent conviction in excess of a
22 second conviction under this section, the defendant shall
23 be fined not less than five hundred dollars nor more than
24 one thousand dollars, or imprisoned in the county jail not
25 less than thirty days nor more than sixty days, or both
26 fined and imprisoned.

27 Notwithstanding the provisions of section four, article
28 eleven-a of this chapter or section two-a, article three,
29 chapter fifty of this code, the magistrate or court may
30 order restitution not to exceed the value of unauthorized
31 solid waste services received.

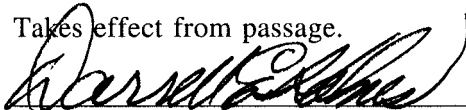
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

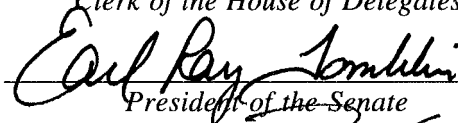

Chairman House Committee

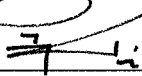
Originating in the House.

Takes effect from passage.

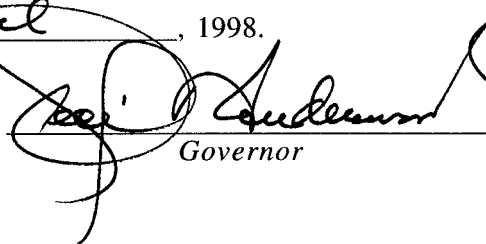

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 6th
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 10:10am