

HB# 2865

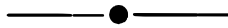
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2865**

(By Mr. Speaker, Mr. Kiss, and Delegates Browning, Staton, Beane,  
H. White, Stalnaker and G. White)



Passed March 8, 2003

In Effect Ninety Days from Passage

FILED  
2003 MAR 28 11:44 AM  
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COMMITTEE SUBSTITUTE

FOR

## H. B. 2865

(BY MR. SPEAKER, MR. KISS, AND DELEGATES BROWNING,  
STATON, BEANE, H. WHITE, STALNAKER AND G. WHITE)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-nine, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to crimes against property; and increasing penalties for damaging or destroying real or personal property owned by a railroad company or public utility or any real or personal property used for producing, generating, transmitting, distributing, treating or collecting electricity, natural gas, water, wastewater, stormwater, telecommunications or cable service.

*Be it enacted by the Legislature of West Virginia:*

That section twenty-nine, article three, 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 3. CRIMES AGAINST PROPERTY.

**§61-3-29. Damage or destruction of railroad or public utility company property, or real or personal property used for producing, generating, transmitting, distributing, treating or collecting electricity, natural gas, water, wastewater, stormwater, telecommunications or cable service; penalties; restitution.**

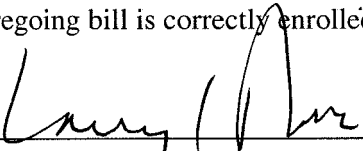
1 (a) Any person who knowingly and willfully damages or  
2 destroys any real or personal property owned by a railroad  
3 company or public utility company, or any real or personal  
4 property used for producing, generating, transmitting, distribut-  
5 ing, treating or collecting electricity, natural gas, water,  
6 wastewater, stormwater, telecommunications or cable service,  
7 is guilty of a misdemeanor and, upon conviction thereof, shall  
8 be fined not more than two thousand dollars, or confined in the  
9 county or regional jail not more than one year, or both.

10 (b) Any person who knowingly and willfully damages or  
11 destroys any real or personal property owned by a railroad  
12 company or public utility company, or any real or personal  
13 property used for producing, generating, transmitting, distribut-  
14 ing, treating or collecting electricity, natural gas, water,  
15 wastewater, stormwater, telecommunications or cable service  
16 causing serious bodily injury to another is guilty of a felony  
17 and, upon conviction thereof, shall be fined not less than five  
18 thousand dollars nor more than fifty thousand dollars, or  
19 confined in a state correctional facility not less than one nor  
20 more than five years, or both.

21 (c) Nothing in this section may be construed to limit or  
22 restrict the ability of an entity referred to in subsection (a) or (b)  
23 of this section or a property owner or other person who has  
24 been damaged or injured as a result of a violation of this section

25 from seeking recovery for damages arising from violation of  
26 this section.

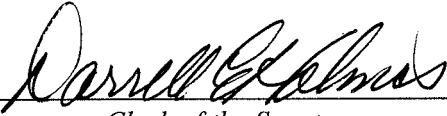
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

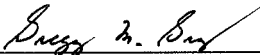
  
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Chairman Senate Committee

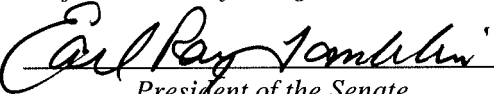
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage

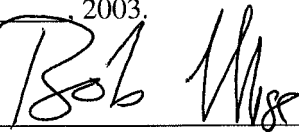
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 27<sup>th</sup>  
day of March, 2003.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/24/03

Time 10:45 AM