

SB-39

FILED

2003 MAR 27 P 4:44

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
Regular Session, 2003

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**ENROLLED**

Committee Substitute for

SENATE BILL NO. 39

(By Senators Rowe, Helmick, Fanning & Ross )

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PASSED March 7, 2003

In Effect ninety days from Passage

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COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 39**

(SENATORS ROWE, HELMICK, FANNING  
AND ROSS, *original sponsors*)

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[Passed March 7, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-seven, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the criminal offense for a false fire alarm to a felony when it is done with intent to cause injury to persons or property to divert attention from another offense.

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

That section twenty-seven, article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

**§29-3-27. Penalties.**

1 (a) Any person who violates any regulations promulgated  
2 by the state fire commission as provided in section five of  
3 this article is guilty of a misdemeanor and, upon conviction  
4 thereof, shall be fined not more than one hundred  
5 dollars or confined in the county or regional jail not more  
6 than ninety days, or both.

7 Each day during which any illegal erection, construction,  
8 reconstruction, alteration, maintenance or use continues  
9 after knowledge or official notice that it is illegal is a  
10 separate offense.

11 (b) Except as provided by the provisions of subsection (c)  
12 of this section, any person who violates the provisions of  
13 section twenty-one of this article shall be guilty of a  
14 misdemeanor and, upon conviction thereof, shall be fined  
15 for a first offense not more than one hundred dollars or  
16 confined in the county or regional jail for not more than  
17 thirty days or both fined and confined and for a second  
18 and each subsequent offense fined not less than one  
19 hundred dollars nor more than five hundred dollars or  
20 confined in the county or regional jail for not less than  
21 ninety days nor more than one year, or both.

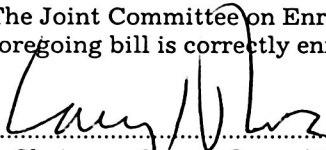
22 (c) Any person who violates the provisions of section  
23 twenty-one of this article with the intent to cause injury to  
24 the person of another, to cause destruction of the property  
25 of another or to divert the attention of law enforcement or  
26 fire personnel to help effectuate the commission of another  
27 crime shall be guilty of a felony and, upon conviction  
28 thereof, shall be confined in a state correctional facility for  
29 not less than one nor more than three years, or fined not  
30 more than five thousand dollars, or both.

31 (d) Any officer who fails to perform any duty required of  
32 him or her by this article or who violates any of its provisions  
33 is guilty of a misdemeanor and, upon conviction

34 thereof, shall be fined not less than twenty-five dollars nor  
35 more than fifty dollars for each failure or violation.

36 (e) Any person who violates any other provision of this  
37 article is guilty of a misdemeanor and, upon conviction  
38 thereof, shall be fined not more than one hundred dollars  
39 or confined in the county or regional jail not more than  
40 ninety days, or both.

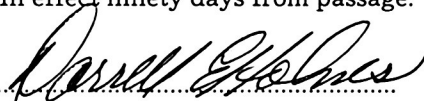
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

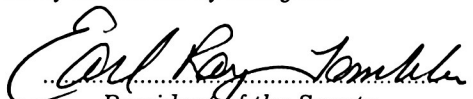
  
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Chairman House Committee

Originated in the Senate.

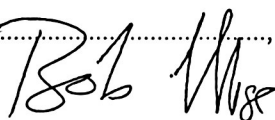
In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

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

PRESENTED TO THE  
GOVERNOR

Date 3-19-03

Time 4:30pm BW