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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 57

(By Senator BAILEY)



PASSED MARCH 9, 2002

In Effect NINETY DAYS FROM Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 57

(SENATOR BAILEY, *original sponsor*)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections one-b and nineteen, article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to crimes against the peace; prohibiting the disturbance of the peace in or on any property controlled by the state of West Virginia; specifying certain activities that are prohibited in the state capital complex; providing exemptions; and setting forth criminal penalties.

Be it enacted by the Legislature of West Virginia:

That sections one-b and nineteen, article six, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-1b. Disorderly conduct; penalty.

- 1 (a) Any person who, in a public place, any office or office
- 2 building of the state of West Virginia, or in the state

3 capitol complex, or on any other property owned, leased,
4 occupied or controlled by the state of West Virginia, a
5 mobile home park, a public parking area, a common area
6 of an apartment building or dormitory, or a common area
7 of a privately owned commercial shopping center, mall or
8 other group of commercial retail establishments, disturbs
9 the peace of others by violent, profane, indecent or boister-
10 ous conduct or language or by the making of unreasonably
11 loud noise that is intended to cause annoyance or alarm to
12 another person, and who persists in such conduct after
13 being requested to desist by a law-enforcement officer
14 acting in his lawful capacity, is guilty of disorderly
15 conduct, a misdemeanor, and, upon conviction thereof,
16 may be committed to the custody of the division of correc-
17 tions for twenty-four hours or fined not more than one
18 hundred dollars: *Provided*, That nothing in this subsection
19 should be construed as a deterrence to the lawful and
20 orderly public right to demonstrate in support or protest
21 of public policy issues.

22 (b) For purposes of this section:

23 (1) "Mobile home park" means a privately owned
24 residential housing area or subdivision wherein the
25 dwelling units are comprised mainly of mobile homes and
26 wherein the occupants of such dwelling units share
27 common elements for purposes of ingress and egress,
28 parking, recreation and other like residential purposes.

29 (2) "Mobile home" means a moveable or portable unit,
30 designed and constructed to be towed on its own chassis
31 (comprised of frame and wheels) and designed to be
32 connected to utilities for year-round occupancy. The term
33 includes: (A) Units containing parts that may be folded,
34 collapsed or telescoped when being towed and that may be
35 expanded to provide additional cubic capacity; and (B)
36 units composed of two or more separately towable compo-
37 nents designed to be joined into one integral unit capable
38 of being separated again into the components for repeated
39 towing.

40 (3) "Public parking area" means an area, whether

41 publicly or privately owned or maintained, open to the use
42 of the public for parking motor vehicles.

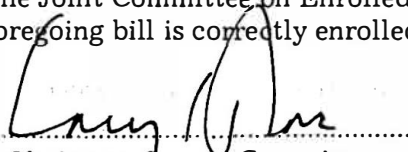
**§61-6-19. Willful disruption of governmental processes; of-
fenses occurring at state capitol complex; penal-
ties.**

1 (a) If any person willfully interrupts or molests the
2 orderly and peaceful process of any department, division,
3 agency or branch of state government or of its political
4 subdivisions, he or she is guilty of a misdemeanor and,
5 upon conviction thereof, shall be fined not more than one
6 hundred dollars, or imprisoned in the county or regional
7 jail not more than six months, or both fined and impris-
8 oned: *Provided*, That any assembly in a peaceable, lawful
9 and orderly manner for a redress of grievances shall not be
10 a violation of this section.

11 (b) It is unlawful for any person to bring upon the state
12 capitol complex any weapon as defined by the provisions
13 of section two, article seven of this chapter. It is unlawful
14 for any person to willfully deface any trees, wall, floor,
15 stairs, ceiling, column, statute, monument, structure,
16 surface, artwork or adornment in the state capitol com-
17 plex. It is unlawful for any person or persons to willfully
18 block or otherwise willfully obstruct any public access,
19 stair or elevator in the state capitol complex after being
20 asked by a law-enforcement officer acting in his or her
21 official capacity to desist: *Provided*, That in order to
22 preserve the constitutional right of the people to assemble,
23 it is not willful blocking or willful obstruction for persons
24 gathered in a group or crowd, if the persons move to the
25 side or part to allow other persons to pass by the group or
26 crowd to gain ingress or egress: *Provided, however*, That
27 this subsection shall not apply to a law-enforcement
28 officer acting in his or her official capacity.

29 Any person who violates any provision of this subsection
30 is guilty of a misdemeanor and, upon conviction thereof,
31 shall be fined not less than one hundred dollars or con-
32 fined in the county or regional jail not more than six
33 months, or both.

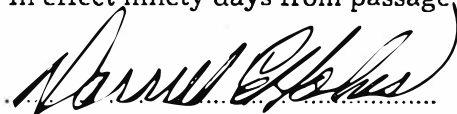
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

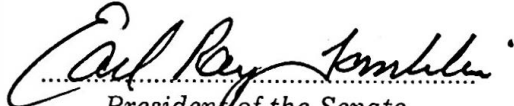

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Chairman House Committee

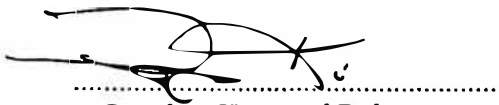
Originated in the Senate.

In effect ninety days from passage

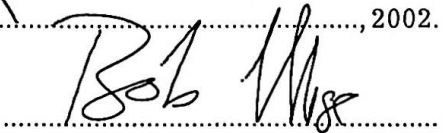

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Clerk of the Senate


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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 21st
Day of March, 2002.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/15/02

Time

5:25 pm