

1 **H. B. 2313**

2  
3 (By Delegate Hamilton)

4 [Introduced January 12, 2011; referred to the  
5 Committee on the Judiciary.]  
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10 A BILL to amend and reenact §61-6-17 of the Code of West Virginia,  
11 1931, as amended, relating to crimes against the peace;  
12 defining "acts of violence" on school property; and making  
13 false reports of those acts of violence felonies.

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

15 That §61-6-17 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 6. CRIMES AGAINST THE PEACE.**

18 **§61-6-17. False reports concerning acts of violence, bombs or  
19 other explosive devices; penalties.**

20 (a) Any person who imparts or conveys or causes to be imparted  
21 or conveyed any false information, knowing or having reasonable  
22 cause to believe the information to be false, concerning acts of  
23 violence, the presence of any bomb or other explosive device in,  
24 at, on, near, under or against any dwelling house, structure,

1 improvement, building, bridge, motor vehicle, vessel, boat,  
2 railroad car, airplane or other place or concerning an attempt or  
3 alleged attempt being made or to be made to so place or explode any  
4 bomb or other explosive device is guilty of a felony and, upon  
5 conviction thereof, shall be fined not less than \$100 nor more than  
6 \$2,000 or confined in a state correctional facility for not less  
7 than one year nor more than three years, or both fined and  
8 confined.

9 (b) If any person violates any provision of this section and  
10 the violation directly causes economic harm as defined in  
11 subsection (d) of this section, in addition to any other penalty,  
12 the circuit court may order the offender to pay the victim or  
13 victims restitution, in accordance with the provisions of article  
14 eleven-a of this chapter, for economic loss caused by the violation  
15 in an amount not to exceed the economic harm suffered. Nothing in  
16 this section may be construed to limit the circuit court's  
17 authority to order restitution pursuant to other provisions of this  
18 code.

19 (c) Notwithstanding any provision of this section to the  
20 contrary, any person violating the provisions of subsection (a) of  
21 this section whose violation of the subsection results in another  
22 suffering serious bodily injury is guilty of a felony and, upon  
23 conviction thereof, shall be confined in a state correctional  
24 facility for not less than one year nor more than five years or

1 fined not more than \$10,000, or both fined and confined. Each  
2 injury resulting from a violation of subsection (a) of this section  
3 constitutes a separate offense.

4 (d) As used in this section, "economic harm" means all direct,  
5 incidental and consequential pecuniary harm suffered by a victim as  
6 a result of criminal conduct. Economic harm includes, but is not  
7 limited to, the following:

8 (1) All wages, salaries or other compensation lost as a result  
9 of the criminal conduct;

10 (2) The cost of all wages, salaries or other compensation paid  
11 to employees for time those employees are prevented from working as  
12 a result of the criminal conduct;

13 (3) The cost of all wages, salaries or other compensation paid  
14 to employees for time those employees spent in reacting to the  
15 results of the criminal conduct; or

16 (4) The overhead costs incurred for the time that a business  
17 is shut down as a result of the criminal conduct.

18 (e) As used in this section, "acts of violence" includes, but  
19 is not limited to, the following:

20 (1) The presence of unauthorized armed individual on school  
21 property;

22 (2) Individuals committing life threatening action which  
23 causes or is likely to cause serious bodily injury upon any other  
24 individual while on school property; or

1        (3) The kidnaping or holding hostage of any student, faculty  
2 or staff or any other individual on school property.

NOTE: The purpose of this bill is to define "acts of violence"  
and making the false reporting of an act of violence a felony.

Strike-throughs indicate language that would be stricken from  
the present law, and underscoring indicates new language that would  
be added.