

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 461**

(SENATORS LAIRD, SNYDER, JENKINS, KESSLER (ACTING PRESIDENT),  
PLYMALE, MILLER, WILLS, NOHE AND UNGER, *original sponsors*)

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[Passed March 11, 2011; in effect ninety days from passage.]

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AN ACT to amend and reenact §48-27-903 of the Code of West Virginia, 1931, as amended, relating to criminalizing a violation of a restraining order entered upon a conviction for stalking or harassment; and establishing penalties.

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

That §48-27-903 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

**§48-27-903. Misdemeanor offenses for violation of protective order; repeat offenses; penalties.**

1 (a) A person is guilty of a misdemeanor if the person  
2 knowingly and willfully violates:

3 (1) A provision of an emergency or final protective order  
4 entered pursuant to:

5 (A) Subsection (a) or (b) of section five hundred two of this  
6 article;

7 (B) If the court has ordered such relief; subsection (2), (7),  
8 (9), or (14) of section five hundred three of this article;

9 (C) Subsection (b) or (c) of section five hundred nine,  
10 article five of this chapter; or (D) subsection (b) or (c) of  
11 section six hundred eight, article five of this chapter;

12 (2) A condition of bail, probation or parole which has the  
13 express intent or effect of protecting the personal safety of a  
14 particular person or persons; or

15 (3) A restraining order entered pursuant to section nine-a,  
16 article two, chapter sixty-one of this code.

17 Upon conviction thereof the person shall be confined in jail  
18 for a period of not less than one day nor more than one year,  
19 which jail term shall include actual confinement of not less  
20 than twenty-four hours, and shall be fined not less than \$250  
21 nor more than \$2,000.

22 (b) Any person who is convicted of a second offense under  
23 subsection (a) of this section is guilty of a misdemeanor and,  
24 upon conviction thereof, shall be confined in jail for not less  
25 than three months nor more than one year, which jail term  
26 shall include actual confinement of not less than thirty days,  
27 and fined not less than \$500 nor more than \$3,000, or both.

28 (c) A respondent who is convicted of a third or subsequent  
29 offense under subsection (a) which the violation occurs  
30 within ten years of a prior conviction of this offense is guilty  
31 of a misdemeanor and, upon conviction thereof, shall be  
32 confined in jail not less than six months nor more than one  
33 year, which jail term shall include actual confinement of not  
34 less than six months, and fined not less than \$500 nor more  
35 than \$4,000.

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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*Acting President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2011.

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*Governor*