

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 212**

5 (SENATORS SNYDER, GREEN, KLEMPA, MCCABE, WILLIAMS, SYPOLT, PALUMBO, FOSTER,
6 BEACH AND WILLS, *original sponsors*)

7 _____
8 [Passed March 10, 2012; in effect ninety days from passage.]
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12 AN ACT to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new section, designated §61-3-49b, relating
14 to the disruption of communications and public utility
15 services; defining terms; and establishing criminal penalties.

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

17 That the Code of West Virginia, 1931, as amended, be amended
18 by adding thereto a new section, designated §61-3-49b, to read as
19 follows:

20 **ARTICLE 3. CRIMES AGAINST PROPERTY.**

21 **§61-3-49b. Disruption of communications and utilities services.**

22 (a) Any person who causes a disruption of communications
23 services or public utility services by the theft or by
24 intentionally damaging communications or public utility equipment
25 and by such conduct causes:

1 (1) a disruption of communication services or public utility
2 services to ten or more households or subscribers; or

3 (2) a loss in the value of the property in an amount of one
4 thousand dollars or more,

5 shall be guilty of a misdemeanor and, upon conviction thereof, for
6 a first offense, shall be sentenced to not more than two thousand
7 hours of court-approved community service and fined not more than
8 \$10,000, or both. For a second offense, the person is guilty of a
9 felony and, upon conviction thereof, shall be imprisoned in a state
10 correctional facility not less than one nor more than five years or
11 fined not more than \$10,000, or both. For third and subsequent
12 offenses, the person is guilty of a felony and, upon conviction
13 thereof, shall be imprisoned in a correctional facility for not
14 less than one nor more than ten years, or fined not more than
15 \$10,000, or both.

16 (b) As used in this section, communications and public utility
17 equipment includes but is not limited to public safety
18 communications towers and equipment, telephone lines,
19 communications towers and tower equipment, radio towers and tower
20 equipment, railroad and other industrial safety communication
21 devices or systems, electric towers and equipment and electric
22 transmission and distribution lines.