

H. B. 2868

(By Delegates Sobonya, Householder, Rohrbach, Border and Perry)

[Introduced February 20, 2015; referred to the

Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-3-6; and to amend said code by adding thereto a new section, designated §60A-4-414; all relating to making it a felony to knowingly housing drug traffickers; defining elements of the offense; establishing criminal penalties; and disqualifying offenders from receiving public assistance.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §9-3-6; and that said code be amended and by adding thereto a new section, designated §60A-4-414; all to read as follows:

CHAPTER 9. HUMAN SERVICES.

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

§9-3-6. Denial of assistance for those aiding drug traffickers.

The Commissioner of the Division of Human Services shall deny or otherwise determine

1 ineligible for state and federal-state assistance any person convicted of knowingly providing housing
2 for drug traffickers as proscribed by section four hundred fourteen,, article four, chapter sixty-a of
3 this code, or of any state or federal offense having substantially the same elements.

4 **CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.**

5 **ARTICLE 4. OFFENSES AND PENALTIES.**

6 **§60A-4-414. Prohibited acts -- Knowingly providing housing to drug traffickers; penalties.**

7 (a) It is unlawful for any person to provide lodging, housing or overnight accommodation to
8 another person, regardless of payment or promise of payment therefor, with the knowledge that the
9 other person is engaged or intends to engage in the manufacture, distribution or delivery of any
10 controlled substance in violation of this chapter.

11 (b) Any person who violates this section shall be guilty of a felony and, upon conviction, may
12 be imprisoned in a state correctional facility for not less than one year nor more than five years, or
13 fined not more than \$20,000, or both imprisoned and fined

14 (c) A conviction for violation of this section permanently bars the offender from receipt of
15 any state or federal-state assistance provided by or through the Department of Health and Human
16 Resources.

NOTE: The purpose of this bill is to prohibit the act of knowingly housing a drug trafficker, to establish criminal penalties for the offense and to disqualify the offender from receiving public assistance.

§9-3-6 and §60A-4-414 are new; therefore, they have been completely underscored.