

# H. B. 2606

---

(BY DELEGATE(S) SPONAUGLE AND SHOTT)

---

[Introduced February 4, 2015; referred to the  
Committee on the Judiciary.]

---

A BILL to amend and reenact §61-6-1b of the Code of West Virginia, 1931, as amended, relating to clarifying the potential sentence for disorderly conduct.

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

That §61-6-1b of the Code of West Virginia, 1931, as amended, be amended and reenacted 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 Capitol

3 complex, or on any other property owned, leased, occupied or  
4 controlled by the State of West Virginia, a mobile home park, a  
5 public parking area, a common area of an apartment building or  
6 dormitory, or a common area of a privately owned commercial  
7 shopping center, mall or other group of commercial retail  
8 establishments, disturbs the peace of others by violent, profane,  
9 indecent or boisterous conduct or language or by the making of  
10 unreasonably loud noise that is intended to cause annoyance or  
11 alarm to another person, and who persists in such conduct after  
12 being requested to desist by a law-enforcement officer acting in  
13 his or her lawful capacity, is guilty of disorderly conduct, a  
14 misdemeanor and, upon conviction thereof, may be ~~committed~~  
15 ~~to the custody of the Division of Corrections~~ confined in jail for  
16 twenty-four hours or fined not more than \$100: *Provided*, That  
17 nothing in this subsection should be construed as a deterrence to  
18 the lawful and orderly public right to demonstrate in support or  
19 protest of public policy issues.

20 (b) For purposes of this section:

21 (1) "Mobile home park" means a privately owned residential  
22 housing area or subdivision wherein the dwelling units are

23 comprised mainly of mobile homes and wherein the occupants  
24 of such dwelling units share common elements for purposes of  
25 ingress and egress, parking, recreation and other like residential  
26 purposes.

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

37 (3) “Public parking area” means an area, whether publicly or  
38 privately owned or maintained, open to the use of the public for  
39 parking motor vehicles.

NOTE: The purpose of this bill is to clarify the potential sentence for disorderly conduct by removing language that a person may be “committed to the custody of the Division of Corrections” rather than “confined in jail” which is inserted.

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

