

H. B. 2608

(BY DELEGATE(S) SPONAUGLE AND SHOTT)

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

A BILL to amend and reenact §48-27-903 of the Code of West Virginia, 1931, as amended, relating to misdemeanor offenses for violation of protective order; and cleaning up redundant language.

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, article
10 five of this chapter; or (D) subsection (b) or (c) of section six
11 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 than
20 twenty-four hours, and shall be fined not less than \$250 nor more
21 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 than
25 three months nor more than one year, which jail term shall
26 include actual confinement of not less than thirty days, and fined
27 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~~ when the violation occurs
30 within ten years of a prior conviction of this offense is guilty of
31 a misdemeanor and, upon conviction thereof, shall be confined
32 in jail not less than six months nor more than one year, which
33 jail term shall include actual confinement of not less than six
34 months, and fined not less than \$500 nor more than \$4,000.

NOTE: The purpose of this bill is to clean up redundant language in the statute relating to misdemeanor offenses for violation of protective orders.

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

