



STATE OF WEST VIRGINIA  
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EARL RAY TOMBLIN  
GOVERNOR

April 1, 2015

**VIA HAND DELIVERY**

The Honorable Natalie E. Tennant  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305-0770

Re: Enrolled House Bill No. 2627

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove House Bill No. 2627 because it is technically flawed.

The bill establishes, among other things, a new criminal offense for the damage or destruction of certain commercial or industrial property relating to the protection of health or safety. *See* page 3, lines 40-54. The bill designates this offense a felony. However, its punishment provision does not include a period of confinement in the penitentiary.

According to W. Va. Code § 61-11-1, a felony offense is defined as being "punishable by confinement in the penitentiary." *See also* Black's Law Dictionary (9<sup>th</sup> ed. 2009) (defining felony as "[a] serious crime usually punishable by imprisonment for more than one year or by death"). Crimes that are not punished in this manner are considered misdemeanors. This bill is fundamentally flawed because the crime does not meet the definition of felony.

For this technical reason, I must disapprove the bill.

Sincerely,

  
Earl Ray Tomblin  
Governor

cc: The Hon. William P. Cole III  
President of the Senate

The Hon. Tim Armstead  
Speaker of the House of Delegates