

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4297**

BY DELEGATES CADLE, FOSTER, BORDER, STATLER,  
MCCUSKEY, UPSON, ZATEZALO, BLAIR, STANSBURY, HILL  
AND KESSINGER

[Introduced January 27, 2016; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §61-3-30 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing penalties for destruction or theft of election campaign advertising.

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

1 That §61-3-30 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

### **ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-30. Removal, injury to or destruction of property, monuments designating land  
boundaries, election campaign advertising and of certain no trespassing signs;  
penalties.**

1 (a) If any person unlawfully, but not feloniously, takes and carries away, or destroys,  
2 injures or defaces any property, real or personal, of another, he or she is guilty of a misdemeanor  
3 and, upon conviction thereof, shall be fined not more than \$500, or confined in the county or  
4 regional jail not more than one year, or both fined and imprisoned: Provided, That a person who  
5 unlawfully, but not feloniously, takes, carries away, destroys, injures or defaces election campaign  
6 advertising of another, valued at less than \$2,500, is guilty of a misdemeanor and, upon conviction  
7 thereof, shall be fined no less than \$300 nor more than \$2,500, or confined in jail no more than  
8 one year, or both fined and confined.

9 (b) Any person who unlawfully, willfully and intentionally destroys, injures or defaces the  
10 real or personal property of one or more other persons or entities during the same act, series of  
11 acts or course of conduct causing a loss in the value of the property in an amount of \$2,500 or  
12 more, is guilty of the felony offense of destruction of property and, upon conviction thereof, shall  
13 be fined not more than \$2,500 or imprisoned in the state correctional facility for not less than one  
14 year nor more than ten years, or in the discretion of the court, confined in the county or regional  
15 jail not more than one year, or both fined and imprisoned.

16 (c) If any person breaks down, destroys, injures, defaces or removes any monument  
17 erected for the purpose of designating the boundaries of a municipality, tract or lot of land, or any

18 tree marked for that purpose, or any sign or notice upon private property designating no  
19 trespassing upon the property, except signs or notices posted in accordance with the provisions  
20 and purposes of sections seven, eight and ten, article two, chapter twenty of this code, he or she  
21 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$20 nor more  
22 than \$200, or confined in the county or regional jail not less than one nor more than six months,  
23 or both fined and imprisoned. Magistrates have concurrent jurisdiction of all offenses arising  
24 under the provisions of this section. The provisions of this paragraph do not apply to the owner,  
25 or his or her agent, of the lands on which such signs or notices are posted.

NOTE: The purpose of this bill is to increase penalties for destruction or theft of election  
campaign advertising.

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