

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2470**

**FISCAL  
NOTE**

BY DELEGATE SOBONYA

[Introduced February 15, 2017; Referred  
to the Committee on Prevention and Treatment of  
Substance Abuse then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §9-3-7; and to amend said code by adding thereto a new section, designated  
 3 §60A-4-414, all relating to making it a felony to knowingly housing drug traffickers; defining  
 4 elements of the offense; establishing criminal penalties; and disqualifying offenders from  
 5 receiving public assistance.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §9-3-7; and that said code be amended and by adding thereto a new section,  
 3 designated §60A-4-414, all to read as follows:

## **CHAPTER 9. HUMAN SERVICES.**

### **ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.**

#### **§9-3-7. Denial of assistance for those aiding drug traffickers.**

4 The Commissioner of the Division of Human Services shall deny or otherwise determine  
 5 ineligible for state and federal-state assistance any person convicted of knowingly providing  
 6 housing for drug traffickers as proscribed by section four hundred fourteen, article four, chapter  
 7 sixty-a of this code, or of any state or federal offense having substantially the same elements.

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

### **ARTICLE 4. OFFENSES AND PENALTIES.**

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

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

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

8           (c) A conviction for violation of this section permanently bars the offender from receipt of  
9 any state or federal-state assistance provided by or through the Department of Health and Human  
10 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.

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