

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 461**

5 (SENATORS LAIRD, SNYDER, JENKINS, KESSLER (ACTING PRESIDENT), PLYMALE,
6 MILLER, WILLS, NOHE AND UNGER, *original sponsors*)

7 _____
8 [Passed March 11, 2011; in effect ninety days from passage.]
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12 AN ACT to amend and reenact §48-27-903 of the Code of West
13 Virginia, 1931, as amended, relating to criminalizing a
14 violation of a restraining order entered upon a conviction for
15 stalking or harassment; and establishing penalties.

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

17 That §48-27-903 of the Code of West Virginia, 1931, as
18 amended, be amended and reenacted to read as follows:

19 **ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

20 **§48-27-903. Misdemeanor offenses for violation of protective**
21 **order; repeat offenses; penalties.**

22 (a) A person is guilty of a misdemeanor if the person
23 knowingly and willfully violates:

24 (1) A provision of an emergency or final protective order
25 entered pursuant to:

1 (A) Subsection (a) or (b) of section five hundred two of this
2 article;

3 (B) If the court has ordered such relief; subsection (2), (7),
4 (9), or (14) of section five hundred three of this article;

5 (C) Subsection (b) or (c) of section five hundred nine,
6 article five of this chapter; or (D) subsection (b) or (c) of
7 section six hundred eight, article five of this chapter;

8 (2) A condition of bail, probation or parole which has the
9 express intent or effect of protecting the personal safety of a
10 particular person or persons; or

11 (3) A restraining order entered pursuant to section nine-a,
12 article two, chapter sixty-one of this code.

13 Upon conviction thereof the person shall be confined in jail
14 for a period of not less than one day nor more than one year, which
15 jail term shall include actual confinement of not less than twenty-
16 four hours, and shall be fined not less than \$250 nor more than
17 \$2,000.

18 (b) Any person who is convicted of a second offense under
19 subsection (a) of this section is guilty of a misdemeanor and, upon
20 conviction thereof, shall be confined in jail for not less than
21 three months nor more than one year, which jail term shall include
22 actual confinement of not less than thirty days, and fined not less
23 than \$500 nor more than \$3,000, or both.

24 (c) A respondent who is convicted of a third or subsequent
25 offense under subsection (a) which the violation occurs within ten
26 years of a prior conviction of this offense is guilty of a

1 misdemeanor and, upon conviction thereof, shall be confined in jail
2 not less than six months nor more than one year, which jail term
3 shall include actual confinement of not less than six months, and
4 fined not less than \$500 nor more than \$4,000.