

E N R O L L E D

H. B. 2627

(BY DELEGATE(S) MCCUSKEY, R. PHILLIPS, R. SMITH,
J. NELSON, STANSBURY, MCGEEHAN, ELDRIDGE, ARVON,
H. WHITE, MARCUM AND BUTLER)

[Passed March 14, 2015;
in effect ninety days from passage.]

AN ACT to amend and reenact §61-3-29 of the Code of West Virginia, 1931, as amended, relating to prohibiting damage to property of railroads, public utilities and certain production storage and distribution facilities; adding waste management facilities, storage facilities and timber operations to the protected parties; prohibiting destruction, damage or removal of property resulting in impairment to the normal, safe operation of those facilities; providing criminal penalties; and clarifying persons convicted of section are subject to restitution.

Be it enacted by the Legislature of West Virginia:

That §61-3-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-29. Damage or destruction of railroad or public utility company property, or real or personal property used for producing, generating, transmitting, distributing, treating or collecting electricity, natural gas, coal, water, wastewater, stormwater, telecommunications or cable service; penalties; restitution.

1 (a) Any person who knowingly and willfully damages or
2 destroys any commercial or industrial real or personal property
3 owned by a railroad company, public utility company, solid
4 waste facility or collection equipment as defined in section two,
5 article fifteen, chapter twenty-two of this code or any real or
6 personal property used for producing, generating, transmitting,
7 distributing, treating, storing or collecting electricity, natural gas,
8 oil, coal, timber, timber processing, water, wastewater,
9 stormwater, telecommunications or cable service, is guilty of a
10 misdemeanor and, upon conviction thereof, shall be fined not
11 more than \$2,000, or confined in jail not more than one year, or
12 both.

13 (b) Any person who knowingly and willfully damages or
14 destroys any commercial or industrial real or personal property
15 owned by a railroad company, public utility company, solid
16 waste facility or collection equipment as defined in section two,
17 article fifteen, chapter twenty-two of this code or any real or
18 personal property used for producing, generating, transmitting,
19 distributing, treating, storing, or collecting electricity, natural
20 gas, oil, coal, timber, timber processing, water, wastewater,
21 stormwater, telecommunications or cable service; and thereby
22 creates a substantial risk of serious bodily injury to another or
23 results in the interruption of service to the public is guilty of a
24 felony and, upon conviction thereof, shall be fined not more than
25 \$5,000, or confined in a state correctional facility not less than
26 one nor more than three years, or both.

27 (c) Any person who knowingly and willfully damages or
28 destroys any commercial or industrial real or personal property
29 owned by a railroad company, public utility company, solid
30 waste facility or collection equipment as defined in section two,
31 article fifteen, chapter twenty-two of this code, or any real or
32 personal property used for producing, generating, transmitting,
33 distributing, treating, storing or collecting electricity, natural gas,
34 oil, coal, timber, timber processing, water, wastewater,
35 stormwater, telecommunications or cable service; and (2) causes
36 serious bodily injury to another is guilty of a felony and, upon
37 conviction thereof, shall be fined not less than \$5,000 nor more
38 than \$50,000, or confined in a state correctional facility not less
39 than one nor more than five years, or both.

40 (d) Any person who knowingly and willfully damages or
41 destroys any commercial or industrial real or personal property
42 owned by a railroad company, public utility company, solid
43 waste facility or collection equipment as defined in section two,
44 article fifteen, chapter twenty-two of this code or any real or
45 personal property used for producing, generating, transmitting,
46 distributing, treating, storing or collecting electricity, natural gas,
47 oil, coal, timber, timber processing, water, wastewater,
48 stormwater, telecommunications or cable service; and thereby
49 hinders, impairs or disrupts, directly or indirectly the normal
50 operation of any equipment, device, system or service put in
51 place, in whole or in part, to protect, promote or facilitate the
52 health or safety of any person is guilty of a felony and, upon
53 conviction thereof, shall be fined not less than \$5,000 nor more
54 than \$10,000.

55 (e) Any person convicted of subsection (a), (b), (c) or (d) of
56 this section shall be subject to the provisions of article eleven-a
57 of this chapter.

58 (f) Nothing in this section limits or restricts the ability of an
59 entity referred to in subsection (a), (b), (c) or (d) of this section

60 or a property owner or other person who has been damaged or
61 injured as a result of a violation of this section from seeking
62 recovery for damages arising from violation of this section.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

