

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 245

BY SENATOR AZINGER

[Introduced January 11, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §61-16-1, relating to making it a felony to use a communication facility to
 3 commit another felony; defining a term; and establishing penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. ILLEGAL USE OF A COMMUNICATION FACILITY.

§61-16-1. Illegal use of a communication facility; definition; penalties.

1 (a) A person who uses a communication facility to commit, cause or facilitate the
 2 commission or to attempt any crime which constitutes a felony under this code is guilty of a felony
 3 and, upon conviction, shall be fined not more than \$30,000 and confined in a state correctional
 4 facility for not less than one year nor more than four years. Every instance where a communication
 5 facility is utilized constitutes a separate offense under this section.

6 (b) As used in this section, the term "communication facility" means a public or private
 7 instrumentality used or useful in the transmission of signs, signals, writing, images, sounds, data
 8 or intelligence of any nature transmitted in whole or in part, including, but not limited to, telephone,
 9 wire, radio, electromagnetic, photoelectronic, Internet, computer network, photo-optical systems
 10 or the mail.

NOTE: The purpose of this bill is to make using a communication facility to commit a felony, a felony. The bill defines a term and establishes penalties.

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