

FILED

2004 APR -5 P 3:40

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

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**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 2200**

(By Delegate Schadler)

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Passed March 13, 2004

In Effect Ninety Days from Passage

FILED

2004 APR -5 P 3:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 2200

(BY DELEGATE SCHADLER)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §61-3-30 of the code of West Virginia, 1931, as amended, relating to creating the felony offense of injury, defacing or destruction of property causing damage, destruction or diminution in value of twenty-five hundred dollars or more; and providing penalties.

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

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

### ARTICLE 3. CRIMES AGAINST PROPERTY.

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

1 (a) If any person unlawfully, but not feloniously, takes and  
2 carries away, or destroys, injures or defaces any property, real  
3 or personal, of another, he or she is guilty of a misdemeanor  
4 and, upon conviction thereof, shall be fined not more than five  
5 hundred dollars, or confined in the county or regional jail not  
6 more than one year, or both fined and imprisoned.

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

19 (c) If any person breaks down, destroys, injures, defaces or  
20 removes any monument erected for the purpose of designating  
21 the boundaries of a municipality, tract or lot of land, or any tree  
22 marked for that purpose, or any sign or notice upon private  
23 property designating no trespassing upon the property, except  
24 signs or notices posted in accordance with the provisions and  
25 purposes of sections seven, eight and ten, article two, chapter  
26 twenty of this code, he or she is guilty of a misdemeanor and,  
27 upon conviction thereof, shall be fined not less than twenty  
28 dollars nor more than two hundred dollars, or confined in the  
29 county or regional jail not less than one nor more than six  
30 months, or both fined and imprisoned. Magistrates have  
31 concurrent jurisdiction of all offenses arising under the provi-  
32 sions of this section. The provisions of this paragraph do not  
33 apply to the owner, or his or her agent, of the lands on which  
34 such signs or notices are posted.

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

*Larry J. ...*  
Chairman Senate Committee

*Doug Butcher*  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

*Darrell G. ...*  
Clerk of the Senate

*... ..*  
Clerk of the House of Delegates

*Carl ...*  
President of the Senate

*... ..*  
Speaker of the House of Delegates

The within *is approved* this the *5<sup>th</sup>*  
day of *April*, 2004.

*Bob ...*  
Governor

PRESENTATION TO THE  
GOVERNOR

Date 3/26/04

Time 3:45P