

**H. B. 3184**

(By Delegates Morgan, C. Miller, Reynolds,  
Sobonya and Stephens)

[Introduced February 18, 2011; referred to the  
Committee on the Judiciary then Finance.]

A BILL to amend and reenact §61-3-30 of the Code of West Virginia,  
1931, as amended, relating to injury or destruction of  
property; increasing the penalty for a misdemeanor offense;  
and lowering the threshold for a felony offense.

*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.**

(a) If ~~any~~ a person unlawfully, but not feloniously, takes and  
carries away or destroys, injures or defaces any ~~property, real or  
personal, of another,~~ real or personal property of another, causing  
a loss or damage to the property in the value of less than \$1,000,

1 he or she is guilty of a misdemeanor and, upon conviction thereof,  
2 ~~shall be fined not more than \$500 or confined in the county or~~  
3 ~~regional jail not more than one year, or both fined and imprisoned.~~  
4 shall be fined not to exceed \$500 for the first offense. Upon  
5 conviction of a second offense, he or she shall be fined not less  
6 than \$100 nor more than \$500. Upon conviction of a third offense,  
7 he or she shall be fined not less than \$500 nor more than \$1,500  
8 or may be confined in jail not more than thirty days or both fined  
9 and confined.

10 (b) ~~Any~~ A person who unlawfully, willfully and intentionally  
11 destroys, injures or defaces the real or personal property of one  
12 or more other persons or entities during the same act, series of  
13 acts or course of conduct causing a loss or damage in the value of  
14 the property in an amount of ~~\$2,500~~ \$1,000 or more, is guilty of  
15 the felony offense of destruction of property and, upon conviction  
16 thereof, shall be fined not more than \$2,500 or imprisoned in ~~the~~  
17 a state correctional facility for not less than one year nor more  
18 than ten years or, in the discretion of the court, confined in ~~the~~  
19 ~~county or regional~~ jail not more than one year, or both fined and  
20 ~~imprisoned~~ confined.

21 (c) If ~~any~~ a person breaks down, destroys, injures, defaces or  
22 removes any monument erected for the purpose of designating the  
23 boundaries of a municipality, tract or lot of land, or ~~any~~ tree  
24 marked for that purpose, or any sign or notice upon private

1 property designating no trespassing upon the property, except signs  
2 or notices posted in accordance with the provisions and purposes of  
3 sections seven, eight and ten, article two, chapter twenty of this  
4 code, he or she is guilty of a misdemeanor and, upon conviction  
5 thereof, shall be fined not less than \$20 nor more than \$200, or  
6 confined in ~~the county or regional~~ jail not less than one nor more  
7 than six months, or both fined and ~~imprisoned~~ confined.  
8 Magistrates have concurrent jurisdiction of all offenses arising  
9 under the provisions of this section. The provisions of this  
10 paragraph do not apply to the owner or his or her agent of the  
11 lands on which such signs or notices are posted.

NOTE: The purpose of this bill is to make property crimes  
valued at over \$1,000 a felony.

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