

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 212**

(SENATORS SNYDER, GREEN, KLEMPA, MCCABE,  
WILLIAMS, SYPOLT, PALUMBO, FOSTER,  
BEACH AND WILLS, *original sponsors*)

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[Passed March 10, 2012; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-3-49b, relating to the disruption of communications and public utility services; defining terms; and establishing criminal penalties.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-3-49b, to read as follows:

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-49b. Disruption of communications and utilities services.**

- 1 (a) Any person who causes a disruption of communica-
- 2 tions services or public utility services by the theft or by
- 3 intentionally damaging communications or public utility
- 4 equipment and by such conduct causes:

5 (1) a disruption of communication services or public  
6 utility services to ten or more households or subscribers; or

7 (2) a loss in the value of the property in an amount of one  
8 thousand dollars or more, shall be guilty of a misdemeanor  
9 and, upon conviction thereof, for a first offense, shall be  
10 sentenced to not more than two thousand hours of  
11 court-approved community service and fined not more than  
12 \$10,000, or both. For a second offense, the person is guilty of  
13 a felony and, upon conviction thereof, shall be imprisoned in  
14 a state correctional facility not less than one nor more than  
15 five years or fined not more than \$10,000, or both. For third  
16 and subsequent offenses, the person is guilty of a felony and,  
17 upon conviction thereof, shall be imprisoned in a correc-  
18 tional facility for not less than one nor more than ten years,  
19 or fined not more than \$10,000, or both.

20 (b) As used in this section, communications and public  
21 utility equipment includes but is not limited to public safety  
22 communications towers and equipment, telephone lines,  
23 communications towers and tower equipment, radio towers  
24 and tower equipment, railroad and other industrial safety  
25 communication devices or systems, electric towers and  
26 equipment and electric transmission and distribution lines.

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

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2012.

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*Governor*