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H. B. 2427

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(By Delegates Cadle, Foster, Hamrick, Moffatt, R. Smith,
Zatezalo, McGeehan, Blair, Ihle, Hill and Faircloth)

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[Introduced January 27, 2015; referred to the
Committee on the Judiciary.]

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10 A BILL to amend and reenact §61-3-30 of the Code of West Virginia, 1931, as amended, relating
11 to increasing penalties for destruction or theft of election campaign advertising.

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

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

15 ARTICLE 3. CRIMES AGAINST PROPERTY.

16 **§61-3-30. Removal, injury to or destruction of property, monuments designating land
boundaries, election campaign advertising and of certain no trespassing signs;
penalties.**

19 (a) If any person unlawfully, but not feloniously, takes and carries away, or destroys, injures
20 or defaces any property, real or personal, of another, he or she is guilty of a misdemeanor and, upon
21 conviction thereof, shall be fined not more than \$500, or confined in the county or regional jail not
22 more than one year, or both fined and imprisoned: *Provided*, That a person who unlawfully, but not
23 feloniously, takes, carries away, destroys, injures or defaces election campaign advertising of

1 another, valued at less than \$2,500, is guilty of a misdemeanor and, upon conviction thereof, shall
2 be fined no less than \$300 nor more than \$2,500, or confined in jail no more than one year, or both
3 fined and confined.

4 (b) Any person who unlawfully, willfully and intentionally destroys, injures or defaces the
5 real or personal property of one or more other persons or entities during the same act, series of acts
6 or course of conduct causing a loss in the value of the property in an amount of \$2,500 or more, is
7 guilty of the felony offense of destruction of property and, upon conviction thereof, shall be fined
8 not more than \$2,500 or imprisoned in the state correctional facility for not less than one year nor
9 more than ten years, or in the discretion of the court, confined in the county or regional jail not more
10 than one year, or both fined and imprisoned.

11 (c) If any person breaks down, destroys, injures, defaces or removes any monument erected
12 for the purpose of designating the boundaries of a municipality, tract or lot of land, or any tree
13 marked for that purpose, or any sign or notice upon private property designating no trespassing upon
14 the property, except signs or notices posted in accordance with the provisions and purposes of
15 sections seven, eight and ten, article two, chapter twenty of this code, he or she is guilty of a
16 misdemeanor and, upon conviction thereof, shall be fined not less than \$20 nor more than \$200, or
17 confined in the county or regional jail not less than one nor more than six months, or both fined and
18 imprisoned. Magistrates have concurrent jurisdiction of all offenses arising under the provisions of
19 this section. The provisions of this paragraph do not apply to the owner, or his or her agent, of the
20 lands on which such signs or notices are posted.

NOTE: The purpose of this bill is to increase penalties for destruction or theft of election campaign advertising.

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