

H. B. 2608

(By Delegates Sponaugle and Shott)

[Introduced February 4, 2015; referred to the

Committee on the Judiciary.]

A BILL to amend and reenact §48-27-903 of the Code of West Virginia, 1931, as amended, relating to misdemeanor offenses for violation of protective order; and cleaning up redundant language.

Be it enacted by the Legislature of West Virginia:

That §48-27-903 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

§48-27-903. Misdemeanor offenses for violation of protective order; repeat offenses; penalties.

(a) A person is guilty of a misdemeanor if the person knowingly and willfully violates:

(1) A provision of an emergency or final protective order entered pursuant to:

(A) Subsection (a) or (b), section five hundred two of this article;

(B) If the court has ordered such relief; subsection (2), (7), (9) or (14), section five hundred

1 three of this article;

2 (C) Subsection (b) or (c), section five hundred nine, article five of this chapter; or

3 (D) Subsection (b) or (c), section six hundred eight, article five of this chapter;

4 (2) A condition of bail, probation or parole which has the express intent or effect of
5 protecting the personal safety of a particular person or persons; or

6 (3) A restraining order entered pursuant to section nine-a, article two, chapter sixty-one of
7 this code.

8 Upon conviction thereof the person shall be confined in jail for a period of not less than one
9 day nor more than one year, which jail term shall include actual confinement of not less than twenty-
10 four hours, and shall be fined not less than \$250 nor more than \$2,000.

11 (b) Any person who is convicted of a second offense under subsection (a) of this section is
12 guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than three
13 months nor more than one year, which jail term shall include actual confinement of not less than
14 thirty days, and fined not less than \$500 nor more than \$3,000. ~~or both~~

15 (c) A respondent who is convicted of a third or subsequent offense under subsection (a) of
16 this section ~~which~~ when the violation occurs within ten years of a prior conviction of this offense is
17 guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not less than six
18 months nor more than one year, which jail term shall include actual confinement of not less than six
19 months, and fined not less than \$500 nor more than \$4,000.

NOTE: The purpose of this bill is to clean up redundant language in the statute relating to
misdemeanor offenses for violation of protective orders.

Strike-throughs indicate language that would be stricken from the present law, and

underscoring indicates new language that would be added.