

E N R O L L E D

H. B. 2606

(BY DELEGATE(S) SPONAUGLE AND SHOTT)

[Passed March 11, 2015;
in effect ninety days from passage.]

AN ACT to amend and reenact §61-6-1b of the Code of West Virginia, 1931, as amended, relating to clarifying the potential sentence for disorderly conduct.

Be it enacted by the Legislature of West Virginia:

That §61-6-1b of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-1b. Disorderly conduct; penalty.

- 1 (a) Any person who, in a public place, any office or office
- 2 building of the State of West Virginia, or in the State Capitol
- 3 complex, or on any other property owned, leased, occupied or
- 4 controlled by the State of West Virginia, a mobile home park, a
- 5 public parking area, a common area of an apartment building or
- 6 dormitory, or a common area of a privately owned commercial

7 shopping center, mall or other group of commercial retail
8 establishments, disturbs the peace of others by violent, profane,
9 indecent or boisterous conduct or language or by the making of
10 unreasonably loud noise that is intended to cause annoyance or
11 alarm to another person, and who persists in such conduct after
12 being requested to desist by a law-enforcement officer acting in
13 his or her lawful capacity, is guilty of disorderly conduct, a
14 misdemeanor and, upon conviction thereof, may be confined in
15 jail for twenty-four hours or fined not more than \$100: *Provided,*
16 That nothing in this subsection should be construed as a
17 deterrence to the lawful and orderly public right to demonstrate
18 in support or protest of public policy issues.

19 (b) For purposes of this section:

20 (1) “Mobile home park” means a privately owned residential
21 housing area or subdivision wherein the dwelling units are
22 comprised mainly of mobile homes and wherein the occupants
23 of such dwelling units share common elements for purposes of
24 ingress and egress, parking, recreation and other like residential
25 purposes.

26 (2) “Mobile home” means a moveable or portable unit,
27 designed and constructed to be towed on its own chassis
28 (comprised of frame and wheels) and designed to be connected
29 to utilities for year-round occupancy. The term includes: (A)
30 Units containing parts that may be folded, collapsed or
31 telescoped when being towed and that may be expanded to
32 provide additional cubic capacity; and (B) units composed of
33 two or more separately towable components designed to be
34 joined into one integral unit capable of being separated again
35 into the components for repeated towing.

36 (3) “Public parking area” means an area, whether publicly or
37 privately owned or maintained, open to the use of the public for
38 parking motor vehicles.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

