

E N G R O S S E D

H. B. 2627

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[Introduced February 5, 2015; referred to
the Committee on Energy; and then to the
Committee on the Judiciary.]

A BILL to amend and reenact §61-3-29 of the Code of West Virginia, 1931, as amended, relating to prohibiting damage to property of railroads, public utilities and certain production storage and distribution facilities; adding waste management facilities, storage facilities and timber operations to the protected parties; prohibiting destruction, damage or removal of property resulting in impairment to the normal, safe operation of those facilities; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That §61-3-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-29. Damage or destruction of railroad or public utility company property, or real or personal property used for producing, generating, transmitting, distributing, treating or collecting electricity, natural gas, coal, water, wastewater, stormwater, telecommunications or cable service; penalties; restitution.

1 (a) Any person who knowingly and willfully damages or
2 destroys any commercial or industrial real or personal property
3 owned by a railroad company, or public utility company, solid
4 waste facility or collection equipment as defined in section two,
5 article fifteen, chapter twenty-two of this code or any real or
6 personal property used for producing, generating, transmitting,
7 distributing, treating, storing or collecting electricity, natural gas,
8 oil, coal, timber, timber processing, water, wastewater,
9 stormwater, telecommunications or cable service, is guilty of a
10 misdemeanor and, upon conviction thereof, shall be fined not
11 more than \$2,000, or confined in jail not more than one year, or
12 both fined and confined.

13 (b) Any person who knowingly and willfully: (1) Damages
14 or destroys any commercial or industrial real or personal
15 property owned by a railroad company, ~~or~~ public utility
16 company, solid waste facility or collection equipment as defined
17 in section two, article fifteen, chapter twenty-two of this code or
18 any real or personal property used for producing, generating,
19 transmitting, distributing, treating, storing, or collecting
20 electricity, natural gas, oil, coal, timber, timber processing,
21 water, wastewater, stormwater, telecommunications or cable
22 service; and (2) creates a substantial risk of serious bodily injury
23 to another or results in the interruption of service to the public is
24 guilty of a felony and, upon conviction thereof, shall be fined not
25 more than \$5,000, or confined in a state correctional facility not
26 less than one nor more than three years, or both fined and
27 imprisoned.

28 (c) Any person who knowingly and willfully: (1) Damages
29 or destroys any commercial or industrial real or personal
30 property owned by a railroad company, ~~or~~ public utility
31 company, solid waste facility or collection equipment as defined
32 in section two, article fifteen, chapter twenty-two of this code, or

33 any real or personal property used for producing, generating,
34 transmitting, distributing, treating, storing or collecting
35 electricity, natural gas, oil, coal, timber, timber processing,
36 water, wastewater, stormwater, telecommunications or cable
37 service; and (2) causes serious bodily injury to another is guilty
38 of a felony and, upon conviction thereof, shall be fined not less
39 than \$5,000 nor more than \$50,000, or confined in a state
40 correctional facility not less than one nor more than five years,
41 or both fined and imprisoned.

42 (d) Any person who knowingly and willfully: (1) Damages
43 or destroys, tampers with or removes any commercial or
44 industrial real or personal property owned by a railroad
45 company, public utility company, solid waste facility or
46 collection equipment as defined in section two, article fifteen,
47 chapter twenty-two of this code or any real or personal property
48 used for producing, generating, transmitting, distributing,
49 treating, storing or collecting electricity, natural gas, oil, coal,
50 timber, timber processing, water, wastewater, stormwater,
51 telecommunications or cable service; and (2) thereby hinders,
52 impairs or disrupts, directly or indirectly the normal operation of

53 any equipment, device, system or service put in place, in whole
54 or in part, to protect, promote or facilitate the health or safety of
55 any person is guilty of a felony and, upon conviction thereof,
56 shall be fined not less than \$5,000 nor more than \$10,000, plus
57 the value of full replacement or repair of the property, or
58 confined in a state correctional facility not less than one nor
59 more than three years, or both fined and imprisoned.

60 ~~(d)~~ (e) Nothing in this section ~~may be construed to limit or~~
61 ~~restrict~~ limits or restricts the ability of an entity referred to in
62 subsection (a), (b), ~~or~~ (c) or (d) of this section or a property
63 owner or other person who has been damaged or injured as a
64 result of a violation of this section from seeking recovery for
65 damages arising from violation of this section.

NOTE: The purpose of this bill is to provide protection against property crimes committed against coal mines, utilities and other industrial facilities. The bill adds waste management facilities and timber operations to the protected facilities and provides for criminal penalties for the removal, destruction, or damage of real or personal property that impairs the normal operation any equipment or system used for the protection of health and safety of any person.

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

