

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2868

**FISCAL
NOTE**

2015 Carryover

(BY DELEGATES SOBONYA, HOUSEHOLDER, ROHRBACH,
BORDER AND PERRY)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §9-3-6; and to amend said code by adding thereto a new section, designated
3 §60A-4-414; all relating to making it a felony to knowingly housing drug traffickers; defining
4 elements of the offense; establishing criminal penalties; and disqualifying offenders from
5 receiving public assistance.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §9-3-6; and that said code be amended and by adding thereto a new section,
3 designated §60A-4-414; all to read as follows:

CHAPTER 9. HUMAN SERVICES.

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

§9-3-6. Denial of assistance for those aiding drug traffickers.

1 The Commissioner of the Division of Human Services shall deny or otherwise determine
2 ineligible for state and federal-state assistance any person convicted of knowingly providing
3 housing for drug traffickers as proscribed by section four hundred fourteen., article four, chapter
4 sixty-a of this code, or of any state or federal offense having substantially the same elements.

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Prohibited acts -- Knowingly providing housing to drug traffickers; penalties.

1 (a) It is unlawful for any person to provide lodging, housing or overnight accommodation
2 to another person, regardless of payment or promise of payment therefor, with the knowledge
3 that the other person is engaged or intends to engage in the manufacture, distribution or delivery
4 of any controlled substance in violation of this chapter.

5 (b) Any person who violates this section shall be guilty of a felony and, upon conviction,
6 may be imprisoned in a state correctional facility for not less than one year nor more than five
7 years, or fined not more than \$20,000, or both imprisoned and fined

8 (c) A conviction for violation of this section permanently bars the offender from receipt of
9 any state or federal-state assistance provided by or through the Department of Health and Human
10 Resources.

NOTE: The purpose of this bill is to prohibit the act of knowingly housing a drug trafficker, to establish criminal penalties for the offense and to disqualify the offender from receiving public assistance.

§9-3-6 and §60A-4-414 are new; therefore, they have been completely underscored.