

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 196**

4 (By Senators Foster, Kessler (Acting President), Chafin, Hall,  
5 Laird, Minard, Palumbo, Snyder, Williams, Plymale, Klempa and  
6 Jenkins )

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8 [Originating in the Committee on the Judiciary;  
9 reported February 7, 2011.]  
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13 A BILL to amend and reenact §61-2-12 of the Code of West Virginia,  
14 1931, as amended, relating to the criminal offenses of robbery  
15 and attempted robbery; creating offenses of robbery or  
16 attempted robbery causing serious bodily injury, robbery or  
17 attempted robbery with the discharge of a firearm, robbery or  
18 attempted robbery causing bodily injury and robbery or  
19 attempted robbery by presentation or threat of a deadly  
20 weapon; creating offenses of general robbery or attempted  
21 robbery; and establishing criminal penalties.

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

23 That §61-2-12 of the Code of West Virginia, 1931, as amended,  
24 be amended and reenacted to read as follows:

25 **ARTICLE 2. CRIMES AGAINST THE PERSON.**

26 **§61-2-12. Robbery or attempted robbery; penalties.**

27 (a) Any person who commits or attempts to commit robbery and

1 in the course thereof discharges a firearm or causes a victim or  
2 victims serious bodily injury as defined in section one, article  
3 eight-b of this chapter is guilty of the felony offense of  
4 aggravated robbery and upon conviction thereof shall be imprisoned  
5 in a state correctional facility for a determinate sentence of not  
6 less than twenty years.

7 (b) Any person who commits or attempts to commit robbery and  
8 in the course thereof causes a victim or victims bodily injury as  
9 defined in section one, article eight-b of this chapter is guilty  
10 of the felony offense of robbery causing bodily injury and upon  
11 conviction, shall be imprisoned in a state correctional facility  
12 for a determinate sentence of not less than five nor more than  
13 sixty years.

14 (c) Any person who commits or attempts to commit robbery by  
15 the presentation of a firearm or other deadly weapon or the  
16 pretense of possessing same is guilty of the felony offense of  
17 robbery by the use or threat of a deadly weapon and upon conviction  
18 thereof shall be imprisoned in a state correctional facility for a  
19 determinate sentence of not less than ten years nor more than fifty  
20 years.

21 (d) Any person who commits robbery or attempted robbery in a  
22 manner other than those set forth in subsections (a), (b), or (c)  
23 of this section shall be guilty of a felony and, upon conviction  
24 shall be imprisoned in a state correctional facility for not less  
25 than five nor more than eighteen years.

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(NOTE: This section has been completely rewritten; therefore,

strike-throughs and underscoring have been omitted.)