

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 117**

4 (By Senator Jenkins)

5 _____
6 [Originating in the Committee on the Judiciary;

7 reported March 29, 2013.]

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9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §61-3-11a, relating to
12 creating a criminal offense of possession of burglar's tools; and
13 establishing penalties.

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

15 That the Code of West Virginia, 1931, as amended, be amended by
16 adding thereto a new section, designated §61-3-11a, to read as
17 follows:

18 **ARTICLE 3. CRIMES AGAINST PROPERTY.**

19 **§61-3-11a. Possession of burglar's tools; penalties.**

20 (a) A person is guilty of possession of burglar's tools when he
21 or she, individually or in concert with another, possesses any
22 tool, instrument or other thing adapted, designed or commonly
23 used for committing or facilitating the commission of an offense
24 involving forcible entry into premises or theft by a physical
25 taking under circumstances which leave no reasonable doubt as to

1 his or her:

2 (1) Intention to use the tool or tools in the commission of an
3 offense involving forcible entry into the property of another
4 without the permission of the owner or owners thereof; and

5 (2) Knowledge that the person individually, or in concert with
6 another, intends to use the same in the commission of an offense
7 involving forcible entry as described in subdivision (1) of this
8 subsection.

9 (b) Any person violating the provisions of this section is guilty
10 of a misdemeanor and, upon conviction thereof, shall be fined not
11 more than \$1,000 or confined in jail for not more than one year,
12 or both.