

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 117

(By Senator Jenkins)

[Originating in the Committee on the Judiciary;
reported March 29, 2013.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. CRIMES AGAINST PROPERTY.

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

1 (a) A person is guilty of possession of burglar's tools
2 when he or she, individually or in concert with another,
3 possesses any tool, instrument or other thing adapted,
4 designed or commonly used for committing or facilitating the
5 commission of an offense involving forcible entry into
6 premises or theft by a physical taking under circumstances
7 which leave no reasonable doubt as to his or her:

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

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

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