

1                                   **Senate Bill No. 231**

2                                   (By Senator Jenkins)

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4 [Introduced January 8, 2014; referred to the Select Committee on

5 Children and Poverty; and then to the Committee on the

6                                   Judiciary.]

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by

12 adding thereto a new section, designated §61-11-27, relating

13 to requiring an additional five years of incarceration when

14 using a minor in the commission of a crime.

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

16 That the Code of West Virginia, 1931, as amended, be amended

17 by adding thereto a new section, designated §61-11-27, to read as

18 follows:

19 **ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.**

20 **§61-11-27. Additional punishment for using minor in commission of**

21 **crime.**

22 Notwithstanding any other provision of this code to the

23 contrary, when a person age twenty-one years or older is convicted

1 of an offense that provides for a punishment of confinement in a  
2 state correctional facility, and it is determined that the  
3 convicted person used a minor age fifteen years or younger to  
4 facilitate the commission of the offense, irrespective of whether  
5 the minor had actual knowledge of participating in the crime, the  
6 court shall add five years to the term of incarceration which the  
7 person is or would be otherwise sentenced. This additional time is  
8 mandatory.

NOTE: The purpose of this bill is to add five years to the term of incarceration to which a person would otherwise be sentenced for using a minor in the commission of a crime.

This section is new; therefore, strike-throughs and underscoring have been omitted.