

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 80

BY SENATORS WOELFEL, PLYMALE AND JEFFRIES

[Introduced February 8, 2017; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating
 2 to burglary; and increasing the length of imprisonment for entering a dwelling house or
 3 adjoining outhouse during the daytime without breaking from one to ten years to one to
 4 fifteen years.

Be it enacted by the Legislature of West Virginia:

1 That §61-3-11 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-11. Burglary; entry of dwelling or outhouse; penalties.

1 (a) Burglary ~~shall be~~ is a felony. ~~and, any~~ A person convicted ~~thereof~~ of burglary shall be
 2 ~~confined imprisoned in the penitentiary~~ a state correctional facility not less than one nor more than
 3 fifteen years. If ~~any~~ a person, shall in the nighttime, ~~break and enter, or enter~~ breaks and enters,
 4 or enters without breaking, or, shall in the daytime, ~~break and enter~~ breaks and enters, or enters
 5 without breaking, the dwelling house, or an outhouse adjoining thereto or occupied therewith, of
 6 another, with intent to commit a crime therein, he ~~shall be deemed~~ or she is guilty of burglary.

7 (b) ~~If any person shall, in the daytime, enter without breaking a dwelling house, or an~~
 8 ~~outhouse adjoining thereto or occupied therewith, of another, with intent to commit a crime therein,~~
 9 ~~he shall be deemed guilty of a felony, and, upon conviction, shall be confined in the penitentiary~~
 10 ~~not less than one nor more than ten years~~

11 (c) ~~(b)~~ The term "dwelling house," as used in ~~subsections~~ subsection (a) ~~and (b)~~ of this
 12 section, ~~shall include, but not be~~ includes, but is not limited to, a mobile home, house trailer,
 13 modular home, factory-built home or self-propelled motor home, used as a dwelling regularly or
 14 only from time to time, or any other nonmotive vehicle primarily designed for human habitation
 15 and occupancy and used as a dwelling regularly or only from time to time.

NOTE: The purpose of this bill is to equalize the criminal penalty for entering without breaking regardless of the time of day.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.