

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **Senate Bill 246**

BY SENATORS AZINGER AND CLINE

[Introduced January 11, 2018; 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 increasing the penalty for burglary if a crime against another person is committed during  
3 the burglary.

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

### **ARTICLE 3. CRIMES AGAINST PROPERTY.**

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

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

8 (b) If any person shall, in the daytime, enter without breaking a dwelling house, or an  
9 outhouse adjoining thereto or occupied therewith, of another, with intent to commit a crime therein,  
10 he or she shall be deemed guilty of a felony and, upon conviction, shall be confined in the  
11 penitentiary not less than one nor more than ten years. However, if during the course of the  
12 burglary a crime against another person is committed, any person so convicted shall be confined  
13 in a state correctional facility for not less than two nor more than fifteen years.

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

NOTE: The purpose of this bill is to increase the penalty for burglary if a crime against

another person is committed during the burglary.

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