

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 37**

SENATORS WOELFEL, TRUMP, AND OJEDA, *original sponsors*

[Passed March 2, 2018; in effect 90 days from passage]



1 AN ACT to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating  
2 to the crime of burglary; eliminating the offense of daytime burglary; making breaking and  
3 entering or entering without breaking into a dwelling or outbuilding thereof a felony  
4 regardless of time of day; and establishing the criminal penalty for 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) Any person who breaks and enters, or enters without breaking, a dwelling house or  
2 outbuilding adjoining a dwelling with the intent to commit a violation of the criminal laws of this  
3 state is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional  
4 facility for not less than one nor more than 15 years.

5 (b) The term “dwelling house”, as used in §61-3-11(a) of this code, includes, but is not  
6 limited to, a mobile home, house trailer, modular home, factory-built home, or self-propelled motor  
7 home, used as a dwelling regularly or only from time to time, or any other nonmotorized vehicle  
8 primarily designed for human habitation and occupancy and used as a dwelling regularly or only  
9 from time to time.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2018.

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*Governor*