

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### Senate Bill 146

FISCAL  
NOTE

BY SENATORS AZINGER AND BOSO

[Introduced January 9, 2019; 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) 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.

10 (c) If during the course of a burglary a crime against another person is committed, any  
 11 person so convicted shall be confined in a state correctional facility for not less than two nor more  
 12 than 20 years.

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.