

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 666

By Senators Woelfel and Caputo

[introduced February 17, 2023; referred
to Committee on the Judiciary]

1 A BILL to amend and reenact §61-2-12 of the Code of West Virginia, 1931, as amended, relating to
 2 the crime of robbery; establishing the maximum term of years that may be imposed as a
 3 penalty upon conviction; and creating consistency between the maximum sentences that
 4 may be imposed for the crimes of first-degree robbery and bank robbery.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-12. Robbery or attempted robbery; penalties.

1 (a) Any person who commits or attempts to commit robbery by: (1) Committing violence to
 2 the person, including, but not limited to, partial strangulation or suffocation or by striking or beating;
 3 or (2) uses the threat of deadly force by the presenting of a firearm or other deadly weapon, is
 4 guilty of robbery in the first degree and, upon conviction thereof, shall be imprisoned in a state
 5 correctional facility for a definite term of not less than ten 10 years nor more than 50 years.

6 (b) Any person who commits or attempts to commit robbery by placing the victim in fear of
 7 bodily injury by means other than those set forth in subsection (a) of this section or any person who
 8 commits or attempts to commit robbery by the use of any means designed to temporarily disable
 9 the victim, including, but not limited to, the use of a disabling chemical substance or an electronic
 10 shock device, is guilty of robbery in the second degree and, upon conviction thereof, shall be
 11 confined in a correctional facility for not less than five years nor more than eighteen years.

12 (c) If any person: (1) By force and violence, or by putting in fear, feloniously takes, or
 13 feloniously attempts to take, from the person or presence of another any property or money or any
 14 other thing of value belonging to, or in the care, custody, control, management or possession of,
 15 any bank, he or she shall be guilty of a felony and, upon conviction, shall be confined in the
 16 penitentiary not less than ten nor more than twenty years; and (2) if any person in committing, or in
 17 attempting to commit, any offense defined in the preceding clause (1) of this subsection, assaults
 18 any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device,
 19 disabling chemical substance or an electronic shock device, he or she shall be guilty of a felony

20 and, upon conviction, shall be confined in the penitentiary not less than ~~ten~~ 10 years nor more than
21 ~~twenty-five~~ 50 years.

NOTE: The purpose of this bill is to place a cap on the maximum penalty—50 years— that can be imposed upon conviction for first-degree robbery.

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