

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5404**

By Delegates Winzenreid, Willis, Heckert, Fluharty,  
Zatezalo, Kelly, Hott, Foster, Westfall, and Hillenbrand

[Introduced February 01, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §61-3-11a, relating to defining "burglar's tool"; adding the crime of "Possession  
 3 of Burglarious Tools" to the West Virginia Code; and providing penalties.

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

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-11a. Possession of burglarious tools.**

1 (a) "Burglar's tool" as applied to this article, means a tool, instrument, or device adapted,  
 2 designed, or used to commit or facilitate the commission of a burglary crime.

3 (1) "Burglar's tool" includes:

4 (A) A picklock, key, crowbar, prybar, jack, or bit;

5 (B) Explosive material including nitroglycerine, dynamite, or gunpowder; and

6 (C) A Device capable of burning through metal, concrete, or other solid material, including  
 7 an acetylene torch, electric arc, burning bar, thermal lance, or oxygen lance.

8 (b) If any person has in his or her possession on his or her person any tools, implements, or  
 9 outfit, with intent to commit burglary, robbery, or larceny, upon conviction thereof he or she shall be  
 10 guilty of a misdemeanor. The possession of such burglarious tools, implements or outfit by any  
 11 person, other than a licensed dealer or professional, shall be prima facie evidence of an intent to  
 12 commit burglary, robbery or larceny and shall be punishable by confinement in jail not to exceed  
 13 one year, or fined not more than \$1,000, or both, in the discretion of the court.

NOTE: The purpose of this bill is to define "burglar's tool," add the crime of "Possession of Burglarious Tools" to the West Virginia Code, and provide for penalties.

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