

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 578

By Senators Trump, Woelfel, and Deeds

[Originating in the Committee on the Judiciary;

reported February 8, 2024]

1 A BILL to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to
2 clarifying that the offense of burglary involves a dwelling or outbuilding belonging to
3 another; clarifying what constitutes a dwelling of another; and establishing criminal
4 penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

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

1 (a) Any person who breaks and enters, or enters without breaking, a dwelling house of
2 another or outbuilding adjoining a the dwelling with the intent to commit a violation of the criminal
3 laws of this state is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state
4 correctional facility for not less than one nor more than 15 years.

5 (b) The term "dwelling house", as used in subsection (a) of this section, 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) For purposes of this section, a dwelling or adjoining outbuilding is considered to be that
11 of another if the person breaking and entering, or entering without breaking, is lawfully on notice
12 that he or she is prohibited from being there by a court order, entered pursuant to §48-5-1 et seq.,
13 §48-27-1 et seq., or §62-1c-1 et seq. of this code.