

H. B. 2541

(By Delegates Frazier, Miley, Caputo, Brown,
Hamilton, Longstreth, and Moore)

[Introduced January 18, 2011; referred to the
Committee on the Judiciary then Finance.]



A BILL to amend and reenact §61-2-12 of the Code of West Virginia,
1931, as amended, relating to the criminal offense of robbery
and attempted robbery; making it a crime to rob or attempt to
rob a person under the pretense of having a deadly weapon; and
increasing certain criminal penalties.

Be it enacted by the Legislature of West Virginia:

That §61-2-12 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

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

(a) Any person who commits or attempts to commit robbery by:

- (1) Committing violence to the person, including, but not limited to, partial strangulation or suffocation or by striking or beating;
- or (2) uses the threat of deadly force by the presenting of a firearm or other deadly weapon or the pretense of having a firearm or other deadly weapon, is guilty of robbery in the first degree and, upon conviction thereof, shall be ~~imprisoned~~ punished for a definite term of confinement in a state correctional facility of

1 not less than ten years nor more than forty years.

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

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

1 state correctional facility of not less than ten years nor more
2 than ~~twenty-five~~ forty years.

NOTE: The purpose of this bill is to make it a crime to rob or attempt to rob a person under the pretense of having a deadly weapon. The bill also increases certain criminal penalties.

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

This bill was recommended for passage during the 2011 Regular Session of the Joint Standing Committee on the Judiciary.