

**Senate Bill No. 117**

(By Senator Jenkins)

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[Introduced February 13, 2013; referred to the Committee on the  
Judiciary.]  
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**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §61-3-11a, relating  
to creating a criminal offense of possession of burglar's  
tools; and establishing penalties.

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

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §61-3-11a, to read as  
follows:

**ARTICLE 3. CRIMES AGAINST PROPERTY.**

**§61-3-11a. Possession of burglar's tools; penalties.**

(a) A person is guilty of possession of burglar's tools when  
he or she possesses any tool, instrument or other thing adapted,  
designed or commonly used for committing or facilitating the  
commission of an offense involving forcible entry into premises or

1 theft by a physical taking under circumstances which leave no  
2 reasonable doubt as to his or her:

3 (1) Intention to use the tool or tools in the commission of an  
4 offense involving forcible entry as described in this subsection;  
5 or

6 (2) Knowledge that some other person intends to use the same  
7 in the commission of an offense involving forcible entry as  
8 described in this subsection.

9 (b) A person in possession of burglar's tools is guilty of a  
10 misdemeanor and, upon conviction thereof, shall be fined not more  
11 than \$1,000, or confined to a state correctional facility for not  
12 more than one year or both fined and confined.

NOTE: The purpose of this bill is to create the criminal  
offense of possession of burglar's tools and establish penalties.

The section is new; therefore strike-throughs and underscoring  
have been omitted.