| 1 | Senate Bill No. 8 |
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| 2 | (By Senators Jenkins and Fitzsimmons) |
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| 4 | [Introduced February 13, 2013; referred to the Committee on the |
| 5 | Judiciary.] |
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| L O | A BILL to amend the Code of West Virginia, 1931, as amended, by |
| L1 | adding thereto a new section, designated §61-11-27, relating |
| L2 | to requiring an additional five years of incarceration when |
| L3 | utilizing a minor in the commission of a crime. |
| L 4 | Be it enacted by the Legislature of West Virginia: |
| L5 | That the Code of West Virginia, 1931, as amended, be amended |
| L 6 | by adding thereto a new section, designated $$61-11-27$, to read as |
| L 7 | follows: |
| L 8 | ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES. |
| L 9 | §61-11-27. Additional punishment for utilizing minor in |
| 20 | commission of crime. |
| 21 | Notwithstanding any other provision of this code to the |
| 22 | contrary, when a person age twenty-one years or older is convicted |
| 23 | of an offense that provides for a punishment of confinement in a |

2 convicted person utilized a minor age fifteen years or younger to 3 facilitate the commission of the offense, irrespective of whether 4 the minor had actual knowledge of participating in the crime, the

1 state correctional facility, and it is determined that the

 $4\,$ the minor had actual knowledge of participating in the crime, the

5 court shall add five years to the term of incarceration which the

6 person is or would be otherwise sentenced. This additional time is

7 mandatory.

NOTE: The purpose of this bill is to add five years to the term of incarceration which a person would otherwise be sentenced for utilizing a minor in the commission of a crime.

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