

Senate Bill No. 265

(By Senators Jenkins and Plymale)

[Introduced January 8, 2014; referred to the Committee on the
Judiciary.]

**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, individually or in concert with another, possesses any tool, instrument or other thing adapted, designed or commonly used for committing or facilitating the commission of an offense

1 involving forcible entry into premises or theft by a physical
2 taking under circumstances which leave no reasonable doubt as to
3 his or her:

4 (1) Intention to use the tool or tools in the commission of an
5 offense involving forcible entry into the property of another
6 without the permission of the owner or owners thereof; and

7 (2) Knowledge that the person individually, or in concert with
8 another, intends to use the same in the commission of an offense
9 involving forcible entry as described in subdivision (1) of this
10 subsection.

11 (b) Any person violating the provisions of this section is
12 guilty of a misdemeanor and, upon conviction thereof, shall be
13 fined not more than \$1,000 or confined in jail for not more than
14 one year, or both fined and confined.

NOTE: The purpose of this bill is to create a misdemeanor
offense of possession of burglary tools.

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