

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 80

BY SENATORS WOELFEL, PLYMALE AND JEFFRIES

[Originating in the Committee on the Judiciary;

reported on February 22, 2017]

1 A BILL to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating
2 to burglary; eliminating the offense of daytime burglary; making breaking and entering or
3 entering without breaking into a dwelling or outbuilding thereof a felony regardless of time
4 of day; and establishing the penalty for burglary.

Be it enacted by the Legislature of West Virginia:

1 That §61-3-11 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

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

1 (a) ~~Burglary shall be a felony and, any person convicted thereof shall be confined in the~~
2 ~~penitentiary not less than one nor more than fifteen years. If any person shall in the nighttime,~~
3 ~~break and enter, or enter without breaking, or, shall in the daytime, break and enter the dwelling~~
4 ~~house, or an outhouse adjoining thereto or occupied therewith, of another, with intent to commit~~
5 ~~a crime therein, he shall be deemed guilty of burglary. Any person who shall break and enter, or~~
6 enter without breaking, a dwelling house or outbuilding adjoining a dwelling with the intent to
7 commit a violation of the criminal laws of this state shall be guilty of a felony and, upon conviction
8 thereof, be imprisoned in a state correctional facility for not less than one nor more than fifteen
9 years.

10 (b) ~~If any person shall, in the daytime, enter without breaking a dwelling house, or an~~
11 ~~outhouse adjoining thereto or occupied therewith, of another, with intent to commit a crime therein,~~
12 ~~he shall be deemed guilty of a felony, and, upon conviction, shall be confined in the penitentiary~~
13 ~~not less than one nor more than ten years~~

14 (c) ~~(b)~~ The term “dwelling house”, as used in ~~subsections~~ subsection (a) and ~~(b)~~ of this
15 section, ~~shall include, but not be includes, but is not~~ limited to, a mobile home, house trailer,
16 modular home, factory-built home or self-propelled motor home, used as a dwelling regularly or
17 only from time to time, or any other nonmotive vehicle primarily designed for human habitation

CS for SB 80

18 and occupancy and used as a dwelling regularly or only from time to time.