WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3081

By Delegate Walker

[Introduced January 26, 2023; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §61-2-1 of the Code of West Virginia, 1931, as amended; relating to abolishing felony murder or a death caused in the commission of certain other felonies.

Be it enacted by the Legislature of West Virginia:

article 2. crimes against the person.

§61-2-1. First and second degree murder defined; allegations in indictment for homicide.

Murder by poison, lying in wait, imprisonment, starving, or by any willful, deliberate and premeditated killing ~~or in the commission of, or attempt to commit, arson, kidnapping, sexual assault, robbery, burglary, breaking and entering, escape from lawful custody, or a felony offense of manufacturing or delivering a controlled substance as defined in article four, chapter sixty-a of this code~~ is murder of the first degree. All other murder is murder of the second degree.

In an indictment for murder and manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient in every such indictment to charge that the defendant did feloniously, willfully, maliciously, deliberately and unlawfully slay, kill and murder the deceased.

NOTE: The purpose of this bill is to abolish felony murder.

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