

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3081

By Delegate Walker

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

1 A BILL to amend and reenact §61-2-1 of the Code of West Virginia, 1931, as amended; relating to
2 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.

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

6 In an indictment for murder and manslaughter, it shall not be necessary to set forth the
7 manner in which, or the means by which, the death of the deceased was caused, but it shall be
8 sufficient in every such indictment to charge that the defendant did feloniously, willfully,
9 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.