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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

— ● —

ENROLLED

HOUSE BILL No. 2652

(By Delegates Pethel & Stator)

— ● —

Passed April 8, 1993

In Effect ninety Days From Passage

ENROLLED
H. B. 2652

(By DELEGATES PETHTEL AND STATON)

[Passed April 8, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the elements of the crime of burglary and daytime entering without breaking; and criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section eleven, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and 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
2 convicted thereof shall be confined in the penitentiary
3 not less than one nor more than fifteen years. If any
4 person shall, in the nighttime, break and enter, or enter
5 without breaking, or shall, in the daytime, break and
6 enter, the dwelling house, or an outhouse adjoining
7 thereto or occupied therewith, of another, with intent to
8 commit a crime therein, he shall be deemed guilty of
9 burglary.

10 (b) If any person shall, in the daytime, enter without
11 breaking a dwelling house, or an outhouse adjoining
12 thereto or occupied therewith, of another, with intent to
13 commit a crime therein, he shall be deemed guilty of

14 a felony, and, upon conviction, shall be confined in the
15 penitentiary not less than one nor more than ten years.

16 (c) The term "dwelling house," as used in subsections
17 (a) and (b) of this section, shall include, but not be
18 limited to, a mobile home, house trailer, modular home,
19 factory built home or self-propelled motor home, used
20 as a dwelling regularly or only from time to time, or
21 any other nonmotive vehicle primarily designed for
22 human habitation and occupancy and used as a dwelling
23 regularly or only from time to time.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Daniel E. Holmes
.....
Clerk of the Senate

Donnell A. Stapp
.....
Clerk of the House of Delegates

Kurt E. Schmitt
.....
President of the Senate

[Handwritten Signature]
.....
Speaker of the House of Delegates

The within *is approved* this the *3rd*
day of *May* 1993.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/23/93

Time

11:29 am