

1 **Senate Bill No. 573**

2 (By Senators Jenkins and Plymale)

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4 [Introduced February 21, 2011; referred to the Committee on the  
5 Judiciary.]  
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §61-11-27, relating  
12 to additional punishment for utilizing a minor in the  
13 commission of a crime.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended  
16 by adding thereto a new section, designated §61-11-27, to read as  
17 follows:

18 **ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.**

19 **§61-11-27. Additional punishment for utilizing minor in**  
20 **commission of crime.**

21 Notwithstanding any other provision of this code to the  
22 contrary, when any person age twenty-one years or older is  
23 convicted of an offense which provides for a punishment of  
24 confinement in a state correctional facility, and it is determined

1 that the convicted person utilized a minor age fifteen years or  
2 younger to facilitate the commission of the offense, irrespective  
3 of whether the minor had actual knowledge of participating in the  
4 crime, the court shall add five years to the term of incarceration  
5 which the person is or would be otherwise sentenced. This  
6 additional time shall be mandatory.

NOTE: The purpose of this bill is to add five years to the term of incarceration which a person would otherwise be sentenced for utilizing a minor in the commission of a crime.

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