WEST virginia legislature

2021 regular session

Introduced

Senate Bill 485

By Senators Weld, Woelfel, and Woodrum

[Introduced March 1, 2021; referred

to the Committee on the Judiciary]

A BILL to amend and reenact §61-7-15a of the Code of West Virginia, 1931, as amended, relating to use or presentation of a firearm during the commission of a felony; and amending the offense to include possession of a firearm.

Be it enacted by the Legislature of West Virginia:

Article 7. Dangerous weapons.

§61-7-15a.  Use, possession, or presentation of a firearm during commission of a felony; penalties.

As a separate and distinct offense, and in addition to any and all other offenses provided for in this code, any person who, while engaged in the commission of a felony, uses, possesses, or presents a firearm shall be guilty of a felony and, upon conviction, shall be ~~imprisoned~~ confined in a state correctional facility for not more than ten years.

NOTE: The bill adds “possession” to the current statute that authorizes a separate and distinct felony offense for the use or presentation of a firearm while engaged in the commission of a felony.

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