

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 666

BY SENATORS WOELFEL AND CAPUTO

[Originating in the Committee on the Judiciary;

reported on February 24, 2023]

1 A BILL to amend and reenact §61-2-12 of the Code of West Virginia, 1931, as amended, relating
2 to the crime of robbery; establishing the maximum term of years that may be imposed as
3 a penalty upon conviction of robbery in the first degree; and eliminating the separate crime
4 of bank robbery.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-12. Robbery or attempted robbery; penalties.

1 (a) Any person who commits or attempts to commit robbery by: (1) Committing violence
2 to the person, including, but not limited to, partial strangulation or suffocation or by striking or
3 beating; or (2) uses the threat of deadly force by the presenting of a firearm or other deadly
4 weapon, is guilty of robbery in the first degree and, upon conviction thereof, shall be imprisoned
5 in a state correctional facility for a definite term of not less than ten 10 years nor more than 80
6 years.

7 (b) Any person who commits or attempts to commit robbery by placing the victim in fear
8 of bodily injury by means other than those set forth in subsection (a) of this section or any person
9 who commits or attempts to commit robbery by the use of any means designed to temporarily
10 disable the victim, including, but not limited to, the use of a disabling chemical substance or an
11 electronic shock device, is guilty of robbery in the second degree and, upon conviction thereof,
12 shall be imprisoned in a state correctional facility for not less than five years nor more than 18
13 years.

14 ~~(c) If any person: (1) By force and violence, or by putting in fear, feloniously takes, or~~
15 ~~feloniously attempts to take, from the person or presence of another any property or money or~~
16 ~~any other thing of value belonging to, or in the care, custody, control, management or possession~~
17 ~~of, any bank, he or she shall be guilty of a felony and, upon conviction, shall be confined in the~~
18 ~~penitentiary not less than ten nor more than twenty years; and (2) if any person in committing, or~~
19 ~~in attempting to commit, any offense defined in the preceding clause (1) of this subsection,~~

20 ~~assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon~~
21 ~~or device, disabling chemical substance or an electronic shock device, he or she shall be guilty~~
22 ~~of a felony and, upon conviction, shall be confined in the penitentiary not less than ten 10 years~~
23 ~~nor more than twenty-five 50 years~~