

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 864

By Senators Deeds, Fuller, Hamilton, Morris, Phillips,

Queen, and Thorne

[Introduced March 21, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-3-11 of the Code of West Virginia, 1931, as amended, relating to
 2 crimes against property; and clarifying the inference of criminal intent in a burglary
 3 prosecution.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-11. Burglary; entry of dwelling or outhouse; criminal penalties.

1 (a) Any person who breaks and enters, or enters without breaking, a dwelling house of
 2 another or outbuilding adjoining the dwelling with the intent to commit a violation of the criminal
 3 laws of this state is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state
 4 correctional facility for not less than one nor more than 15 years.

5 (b) The term "dwelling house", as used in subsection (a) of this section, includes, but is not
 6 limited to, a mobile home, house trailer, modular home, factory-built home, or self-propelled motor
 7 home, used as a dwelling regularly or only from time to time, or any other nonmotorized vehicle
 8 primarily designed for human habitation and occupancy and used as a dwelling regularly or only
 9 from time to time.

10 (c) For purposes of this section, a dwelling or adjoining outbuilding is considered to be that
 11 of another if the person breaking and entering, or entering without breaking, knows that he or she
 12 is prohibited from being there.

13 (d) In a prosecution under this section, a person who enters or remains unlawfully in a
 14 dwelling house may be inferred to have acted with intent to commit a crime against a person or
 15 property therein, unless the entering or remaining is satisfactorily explained by evidence to the trier
 16 of fact to have been made without criminal intent.

NOTE: The purpose of this bill is to clarify the inference of criminal intent in a burglary prosecution.

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