

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 864

BY SENATORS DEEDS, FULLER, HAMILTON, MORRIS,

PHILLIPS, QUEEN, THORNE, AND RUCKER

[Reported March 24, 2025, from 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
2 to crimes against property; clarifying the inference of criminal intent in a burglary
3 prosecution; and clarifying the requirements of an indictment for burglary.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

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

1 (a) ~~Any~~A 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 year nor more than 15 years.

5 (b) The term "dwelling house", as used in subsection (a) of this section, includes, but is
6 not limited to, a mobile home, house trailer, modular home, factory-built home, or self-propelled
7 motor home, used as a dwelling regularly or only from time to time, or any other nonmotorized
8 vehicle primarily designed for human habitation and occupancy and used as a dwelling regularly
9 or only 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 of another may be inferred to have acted with intent to commit a crime against a
15 person or property therein.

16 (e) In an indictment for burglary, it is not necessary to set forth the crime a person is
17 alleged to have intended within a dwelling house.