

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

Committee Substitute for
HOUSE BILL No. 1155

(By Mr. *Norton*)



PASSED *March 8,* 1978

In Effect *ninety days from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1155

(By MR. WOOTON)

(Originating in the House Committee on the Judiciary)

[Passed March 8, 1978; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to defining assault and prescribing penalties therefor; and defining battery and prescribing penalties therefor.

Be it enacted by the Legislature of West Virginia:

That section nine, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-9. Malicious or unlawful assault; assault; battery; penalties.

- 1 (a) If any person maliciously shoot, stab, cut or wound
- 2 any person, or by any means cause him bodily injury with
- 3 intent to maim, disfigure, disable or kill, he shall, except
- 4 where it is otherwise provided, be guilty of a felony, and,
- 5 upon conviction, shall be punished by confinement in the

6 penitentiary not less than two nor more than ten years. If
7 such act be done unlawfully, but not maliciously, with the
8 intent aforesaid, the offender shall be guilty of a felony, and,
9 upon conviction, shall, in the discretion of the court, either
10 be confined in the penitentiary not less than one nor more
11 than five years, or be confined in jail not exceeding twelve
12 months and fined not exceeding five hundred dollars.

13 (b) Assault—If any person unlawfully attempts to com-
14 mit a violent injury to the person of another or unlawfully
15 commits an act which places another in reasonable appre-
16 hension of immediately receiving a violent injury, he shall
17 be guilty of a misdemeanor, and, upon conviction, shall be con-
18 fined in jail for not more than six months, or fined not more
19 than one hundred dollars, or both such fine and imprison-
20 ment.

21 (c) Battery—If any person unlawfully and intentionally
22 makes physical contact of an insulting or provoking nature with
23 the person of another or unlawfully and intentionally causes
24 physical harm to another person, he shall be guilty of a misde-
25 meanor, and, upon conviction, shall be confined in jail for not
26 more than twelve months, or fined not more than five hundred
27 dollars, or both such fine and imprisonment.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence C. Strickland
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. O'Connell Jr
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. B. B. B. B.
President of the Senate

Donald L. Topp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John W. R. R. R.
Governor

APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

MAR 11 1 42 PM '78

OFFICE OF THE GOVERNOR

Date March 24, 1978

Time 10:05 A.M.

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OFFICE
SECY. OF STATE