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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 323

(By Senator Humphreys, et al)

PASSED March 7, 1991

In Effect 90 days from Passage

ENROLLED
Senate Bill No. 323

(BY SENATORS HUMPHREYS, FELTON, MINARD, DITTMAR,
DALTON, BAILEY, HECK, WIEDEBUSCH, ANDERSON
AND CLAYPOLE, *original sponsors*)

[Passed March 7, 1991; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, defining first and second degree murder; providing that murder in the commission of, or attempt to commit, arson, kidnapping, sexual assault, robbery, burglary, breaking and entering, escape from lawful custody, or a felony offense of manufacturing or delivering a controlled substance is murder of the first degree; and prescribing the contents of an indictment for murder and manslaughter.

Be it enacted by the Legislature of West Virginia:

That section one, 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.

§61-2-1. First and second degree murder defined; allegations in indictment for homicide.

1 Murder by poison, lying in wait, imprisonment,
2 starving, or by any willful, deliberate and premedi-
3 tated killing, or in the commission of, or attempt to
4 commit, arson, kidnapping, sexual assault, robbery,
5 burglary, breaking and entering, escape from lawful
6 custody, or a felony offense of manufacturing or
7 delivering a controlled substance as defined in article
8 four, chapter sixty-a of this code, is murder of the first
9 degree. All other murder is murder of the second
10 degree.

11 In an indictment for murder and manslaughter, it
12 shall not be necessary to set forth the manner in
13 which, or the means by which, the death of the
14 deceased was caused, but it shall be sufficient in every
15 such indictment to charge that the defendant did
16 feloniously, willfully, maliciously, deliberately and
17 unlawfully slay, kill and murder the deceased.

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

Stomer Heck
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

Samuel E. Elmer
.....
Clerk of the Senate

Donald J. Kopp
.....
Clerk of the House of Delegates

Keith Burdett
.....
President of the Senate

Bob Call
.....
Speaker House of Delegates

The within is approved this the *15th*
day of *March*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/2/91

Time 10:29 am