

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1935**



**ENROLLED**

SENATE BILL No. 177

(By Mr. Smith)



PASSED March 9 1935

In Effect from Passage

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**Senate Bill No. 177**

(BY MR. SMITH)

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[Passed March 9, 1935; in effect from passage.]

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AN ACT to repeal sections one to ten, inclusive, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, and to enact in lieu thereof sections one to six, inclusive, relating to crimes to property and fixing penalties for the conviction thereof.

*Be it enacted by the Legislature of West Virginia:*

That sections one to ten, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, be repealed and that sections one to six, inclusive, be enacted in lieu thereof, to read as follows:

Section 1. Any person who wilfully and maliciously sets  
2 fire to or burns or causes to be burned or who aids, counsels  
3 or procures the burning of any dwelling house, whether occu-  
4 pied, unoccupied or vacant, or any kitchen, shop, barn, stable  
5 or other outhouse that is parcel thereof, or belonging to or  
6 adjoining thereto, whether the property of himself or of an-  
7 other, shall be guilty of arson in the first degree, and upon  
8 conviction thereof, be sentenced to the penitentiary for not  
9 less than two nor more than twenty years.

Sec. 2. Any person who wilfully and maliciously sets fire  
2 to or burns or causes to be burned, or who aids, counsels or  
3 procures the burning of any building or structure of any class  
4 or character, whether the property of himself or of another,  
5 not included or described in the preceding section, shall be  
6 guilty of arson in the second degree, and upon conviction there-  
7 of, be sentenced to the penitentiary for not less than one nor  
8 more than ten years.

Sec. 3. Any person who wilfully and maliciously sets fire  
2 to or burns or causes to be burned, or who aids, counsels or  
3 procures the burning of any personal property of any class  
4 or character, (such property being of the value of not less than

5 twenty-five dollars and the property of another person), shall be  
6 guilty of arson in the third degree and upon conviction thereof,  
7 be sentenced to the penitentiary for not less than one nor more  
8 than three years.

Sec. 4. (a) Any person who wilfully and maliciously at-  
2 tempts to set fire to or attempts to burn or to aid, counsel or  
3 procure the burning of any of the buildings or property men-  
4 tioned in the foregoing sections, or who commits any act pre-  
5 liminary thereto, or in furtherance thereof, shall be guilty of  
6 arson in the fourth degree and upon conviction thereof be  
7 sentenced to the penitentiary for not less than one nor more  
8 than two years, or fined not to exceed one thousand dollars.  
9 (b) The placing or distributing of any inflammable, ex-  
10 plusive or combustible material or substance, or any device in  
11 any building or property mentioned in the foregoing sections,  
12 in an arrangement or preparation with intent to eventually  
13 wilfully and maliciously set fire to or burn same, or to procure  
14 the setting fire to or burning of same shall, for the purposes  
15 of this act constitute an attempt to burn such building or  
16 property.

Sec. 5. Any person who wilfully and with intent to injure

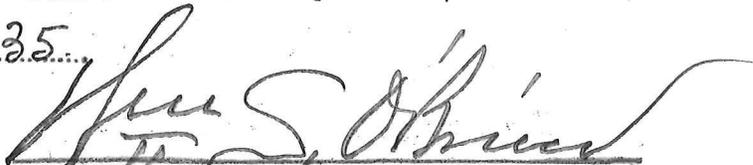
2 or defraud the insurer sets fire to or burns or attempts so to  
3 do or cause to be burned or who aids, counsels or procures the  
4 burning of any building, structure or personal property, of  
5 any class or character, whether the property of himself or of  
6 another, which shall at the time be insured by any person  
7 against loss or damage by fire, shall be guilty of a felony and  
8 upon conviction thereof, be sentenced to the penitentiary for  
9 not less than one nor more than five years.

Sec. 6. If any person unlawfully and maliciously set fire  
2 to any woods, fence, grass, straw, or other thing capable of  
3 spreading fire on lands, he shall be guilty of a misdemeanor,  
4 and, upon conviction, shall be fined not exceeding five hundred  
5 dollars and confined in jail not less than two nor more than  
6 twelve months. He shall, moreover, be liable to any person  
7 injured thereby, or in consequence thereof, for double the  
8 amount of damages sustained by such person.

I certify that the foregoing act,  
having been presented to the Governor for  
his approval, and not having been returned  
by him to the House of the Legislature in  
which it originated within the time pre-  
scribed by the constitution of the state, has  
become a law without his approval.

This the 15<sup>th</sup> day of March,

1935...

  
SECRETARY OF STATE

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

*Clinton L. Howard*

Chairman Senate Committee

*Arnold M. Tickers*

Chairman House Committee

Originated in the

*Senate*

Takes effect

*from*

passage.

*Charles M. ...*

Clerk of the Senate

*W. S. Hall*

Clerk of the House of Delegates

*Chas. E. Hays*

President of the Senate

*James H. ...*

Speaker House of Delegates

The within.....this the.....

day of....., 1935.

Governor

Filed in the office of the Secretary of State of West Virginia.

**MAR 15 1935**

Wm. S. O'BRIEN,  
Secretary of State