WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 70

(By Mr. [signature], Mr. [signature])

4-4-73
PASSED [April 4] 1973
In Effect [effective date] Passage

FILED IN THE OFFICE
EDGAR F. HECKEL, III
SECRETARY OF STATE
THIS DATE 4-11-73
ENROLLED

Senate Bill No. 70
(By Mr. Brotherton, Mr. President, and Mr. Hubbard)

[Passed April 4, 1973, in effect from passage.]

AN ACT to amend and reenact section two, article three-a, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to shoplifting; providing misdemeanor and felony offenses for shoplifting; providing criminal penalties therefor; relating to process in connection with shoplifting; relating to compensation of officers and witnesses in shoplifting cases; and providing that justices of the peace shall have concurrent jurisdiction of misdemeanor shoplifting offenses and penalties.

Be it enacted by the Legislature of West Virginia:

That section two, article three-a, 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 3A. SHOPLIFTING.

§61-3A-2. Penalties; process; compensation of officers and witnesses; jurisdiction of justices.

1 If any person shall commit an act of shoplifting as defined in this article, for the first offense, he shall be guilty of a misdemeanor if the value of merchandise is less than fifty dollars, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than ninety days or by fine of not more than three hundred dollars, or by both such fine and imprisonment.

8 If any person shall commit an act of shoplifting as defined in this article, for the second offense, he shall be guilty of a misdemeanor if the value of merchandise is less than fifty dollars, and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period of not less than thirty days nor more than one hundred
eighty days, or by fine of not more than five hundred dollars, or by both such fine and imprisonment.

If any person shall commit an act of shiplifting as defined in this article, for the third or subsequent offense, he shall be guilty of a felony regardless of the value of merchandise involved in the first two convictions under the provisions of this article, and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years.

If any person shall commit an act of shoplifting as defined in this article, he shall be guilty of a felony if the value of merchandise is fifty dollars, or more, and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years.

In all prosecutions under this article, process shall be issued and served in the county or out of the county where prosecution is pending and shall have the same binding force and effect as though the offense being prosecuted were a felony; and all officers issued and serving such process in or out of the county wherein the prosecution is pending, and all witnesses from within or without the county wherein the prosecution is pending shall be compensated in like manner as though the offense were a felony in grade.

Justices of the peace shall have jurisdiction, concurrent with all courts of record having criminal jurisdiction, of the misdemeanor offenses and penalties prescribed in this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within __________________ this the ________ day of __________, 1973.

Governor
PRESENTED TO THE
GOVERNOR

Date 4/10/73
Time 10:35 a.m.