

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
Committee Substitute
for
HOUSE BILL No. 583

(By Mr. Speaker, Mr. McManus
and Mr. Rollins)

PASSED March 12, 1973

In Effect 90 days from Passage



FILED IN THE OFFICE
ROGER F. HANSELL III
SECRETARY OF STATE
THIS DATE 3-19-73

582

ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 583

(By MR. SPEAKER, MR. McMANUS, and MR. ROLLINS)

(Originating in the House Committee on the Judiciary)

[Passed March 12, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to and specifying the offense of burglary; relating to and specifying the offense of entering without breaking in the daytime a dwelling house or an outhouse adjoining thereto or occupied therewith; defining the term "dwelling house" to also include but not be limited to a mobile home, house trailer, modular home or self propelled motor home, used as a dwelling regularly or only from time to time, or any other nonmotive vehicle primarily designed for human habitation and occupancy and used as a dwelling regularly or only from time to time; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That section eleven, article three, 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 3. CRIMES AGAINST PROPERTY.

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

- 1 (a) Burglary shall be a felony and any person convicted
- 2 thereof shall be confined in the penitentiary not less than one
- 3 nor more than fifteen years. If any person shall, in the night-

4 time, break and enter, or enter without breaking, or shall, in
5 the daytime, break and enter, the dwelling house, or an out-
6 house adjoining thereto or occupied therewith, of another, with
7 intent to commit a felony or any larceny therein, he shall be
8 deemed guilty of burglary.

9 (b) If any person shall, in the daytime, enter without
10 breaking a dwelling house, or an outhouse adjoining thereto or
11 occupied therewith, of another, with intent to commit a felony
12 or any larceny therein, he shall be deemed guilty of a felony,
13 and, upon conviction, shall be confined in the penitentiary not
14 less than one nor more than ten years.

15 (c) The term "dwelling house," as used in subsections (a)
16 and (b) of this section, shall include, but not be limited to, a
17 mobile home, house trailer, modular home or self-propelled
18 motor home, used as a dwelling regularly or only from time to
19 time, or any other nonmotive vehicle primarily designed for
20 human habitation and occupancy and used as a dwelling
21 regularly or only from time to time.

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

H. Darrel Darby
Chairman Senate Committee

Lawrence C. Christian, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard E. Cannon
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. D. Booth Miller
President of the Senate

Lewis H. McManus
Speaker House of Delegates

The within *approved* this the *16th*
day of *March*, 1973.

Hubert H. Hanes, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/15/73

Time 10:30 a.m.