

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1973**

**ENROLLED**

**SENATE BILL NO. 70**

(By Mr. Brotherton, Mr. President  
and Mr. Hubbard)

4-4-73

PASSED April 4, 1973

In Effect From Passage



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

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## ENROLLED

### Senate Bill No. 70

(By Mr. Brotherton, Mr. President, and Mr. Hubbard)

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

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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 de-  
2 fined in this article, for the first offense, he shall be  
3 guilty of a misdemeanor if the value of merchandise is  
4 less than fifty dollars, and, upon conviction thereof, shall  
5 be punished by imprisonment in the county jail for not  
6 more than ninety days or by fine of not more than three  
7 hundred dollars, or by both such fine and imprisonment.

8 If any person shall commit an act of shoplifting as de-  
9 fined in this article, for the second offense, he shall be  
10 guilty of a misdemeanor if the value of merchandise is less  
11 than fifty dollars, and, upon conviction thereof, shall be  
12 punished by imprisonment in the county jail for a period  
13 of not less than thirty days nor more than one hundred

14 eighty days, or by fine of not more than five hundred  
15 dollars, or by both such fine and imprisonment.

16 If any person shall commit an act of shiplifting as de-  
17 fined in this article, for the third or subsequent offense,  
18 he shall be guilty of a felony regardless of the value of  
19 merchandise involved in the first two convictions under  
20 the provisions of this article, and, upon conviction there-  
21 of, shall be punished by imprisonment in the penitentiary  
22 for not less than one nor more than ten years.

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

29 In all prosecutions under this article, process shall be  
30 issued and served in the county or out of the county  
31 where prosecution is pending and shall have the same  
32 binding force and effect as though the offense being pro-  
33 secuted were a felony; and all officers issued and serving  
34 such process in or out of the county wherein the pro-  
35 secution is pending, and all witnesses from within or with-  
36 out the county wherein the prosecution is pending shall be  
37 compensated in like manner as though the offense were a  
38 felony in grade.

39 Justices of the peace shall have jurisdiction, concurrent  
40 with all courts of record having criminal jurisdiction, of the  
41 misdemeanor offenses and penalties prescribed in this article.

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

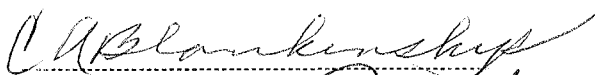
  
Chairman Senate Committee


  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

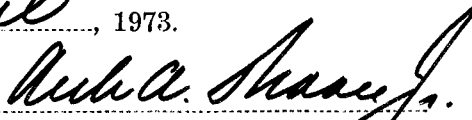
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within approved this the 11th  
April, 1973.  
day of

  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/10/73

Time 10:35 a.m.