WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

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ENROLLED

Committee Substitute for
HOUSE BILL No. 1155

(By Mr. Norton)

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PASSED March 8, 1978

In Effect ninety days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1155

(By MR. WOOTON)

(Originating in the House Committee on the Judiciary)

[Passed March 8, 1978; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to defining assault and prescribing penalties therefor; and defining battery and prescribing penalties therefor.

Be it enacted by the Legislature of West Virginia:

That section nine, 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.

§61-2-9. Malicious or unlawful assault; assault; battery; penalties.

1 (a) If any person maliciously shoot, stab, cut or wound any person, or by any means cause him bodily injury with intent to maim, disfigure, disable or kill, he shall, except where it is otherwise provided, be guilty of a felony, and, upon conviction, shall be punished by confinement in the
penitentiary not less than two nor more than ten years. If such act be done unlawfully, but not maliciously, with the intent aforesaid, the offender shall be guilty of a felony, and, upon conviction, shall, in the discretion of the court, either be confined in the penitentiary not less than one nor more than five years, or be confined in jail not exceeding twelve months and fined not exceeding five hundred dollars.

(b) Assault—If any person unlawfully attempts to commit a violent injury to the person of another or unlawfully commits an act which places another in reasonable apprehension of immediately receiving a violent injury, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail for not more than six months, or fined not more than one hundred dollars, or both such fine and imprisonment.

(c) Battery—If any person unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person, he shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail for not more than twelve months, or fined not more than five hundred dollars, or both such fine and imprisonment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Florence C. Christian  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J.C. Delinger  
Clerk of the Senate

C.A. Blankenship  
Clerk of the House of Delegates

M. Bethel  
President of the Senate

Donald L. Snyder  
Speaker House of Delegates

The within ____________ approved this the ____________ day of ____________ , 1978.

Governor