

No. 2424

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

— ● —

# ENROLLED

HOUSE BILL No. 2424

(By Delegates Hutchinson + Farley)

— ● —

Passed February 23, 1987

In Effect Ninety Days From Passage

**ENROLLED**  
**H. B. 2424**

(By DELEGATES HUTCHINSON and FARLEY)

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[Passed February 23, 1987; in effect ninety days from passage.]

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AN ACT to amend and reenact section one, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to changing the reference of "rape" to "sexual assault" for purposes of defining first degree murder.

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

That section one, 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.**

**§61-2-1. First and second degree murder defined; allegations in indictment for homicide.**

1 Murder by poison, lying in wait, imprisonment,  
2 starving, or by any willful, deliberate and premeditated  
3 killing, or in the commission of, or attempt to commit,  
4 arson, sexual assault, robbery or burglary, is murder of  
5 the first degree. All other murder is murder of the  
6 second degree.

7 In an indictment for murder and manslaughter, it  
8 shall not be necessary to set forth the manner in which,  
9 or the means by which, the death of the deceased was  
10 caused, but it shall be sufficient in every such indict-  
11 ment to charge that the defendant did feloniously,  
12 willfully, maliciously, deliberately and unlawfully slay,  
13 kill and murder the deceased.

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

*Barney W. Wain*

Chairman Senate Committee

*Bernard V. Kelly*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Isaac C. Strick*

Clerk of the Senate

*Donald L. Hopp*

Clerk of the House of Delegates

*Sam Torbarrin*

President of the Senate

*Robert C. All*

Speaker of the House of Delegates

The within *approved* this the *5th*  
day of *March*, 1987.

*Arch A. Moore, Jr.*

Governor

PRESENTED TO THE  
GOVERNOR

Date 2/27/87

Time 2:56 p.m.

RECEIVED

1937 MAR -9 11:00

CLERK

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RECEIVED

1937 MAR -9 11:00

CLERK

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