WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

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ENROLLED

HOUSE BILL NO. 2652

(By Delegates Petitetel & Staton)

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Passed April 8, 1993

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 the elements of the crime of burglary and daytime entering without breaking; and 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.

(a) Burglary shall be a felony and any person convicted thereof shall be confined in the penitentiary not less than one nor more than fifteen years. If any person shall, in the nighttime, break and enter, or enter without breaking, or shall, in the daytime, break and enter, the dwelling house, or an outhouse adjoining thereto or occupied therewith, of another, with intent to commit a crime therein, he shall be deemed guilty of burglary.

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

(c) The term “dwelling house,” as used in subsections
(a) and (b) of this section, shall include, but not be
limited to, a mobile home, house trailer, modular home,
factory built 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Ernest C. Moore

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

D. J. Yeager

President of the Senate

Speaker of the House of Delegates

President

The within is approved this the 3rd
day of May, 1993.

Governor

John Carney