WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1998

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ENROLLED

Committee Substitute for
SENATE BILL NO. 108

(By Senator Craig)

PASSED March 19, 1998
In Effect NINETY DAYS FROM Passage
ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 108

(SENATOR CRAIGO, original sponsor)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to including the use of mace or pepper spray in the definition of aggravated robbery.

Be it enacted by the Legislature of West Virginia:

That section twelve, 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.

§61-2-12. Robbery or attempted robbery; bank robbery and assaults in committing or attempting; penalties.

(a) Any person who commits or attempts to commit robbery by partial strangulation or suffocation, or by striking or beating, or by other violence to the person, or by the threat or presenting of firearms, other deadly weapons or instrumentalities, by the use of mace, pepper spray or similar disabling chemical substance or by the use of a stun gun or similar electronic shock device, is guilty of a felony and, upon conviction, shall be imprisoned for not less than ten years. Any person who commits or attempts to commit a robbery in any other mode or by any other means, except as provided for in subsection (b) of this section, is guilty of a felony and, upon conviction, shall be imprisoned for not less than five nor more than eighteen years.

(b) (1) Any person who, by force and violence or by putting in fear, feloniously takes, or feloniously attempts to take, from the person or presence of another, any property or money or any other thing of value belonging to, or in the care, custody, control, management or possession of any bank, is guilty of a felony and, upon conviction, shall be imprisoned for not less than ten nor more than twenty years; and (2) Any person who, in committing or in attempting to commit any offense defined in subdivision (1) of this subsection, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, is guilty of a felony and, upon conviction, shall be imprisoned for not less than ten nor more than twenty-five years.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee.

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within disapproved this the 25th day of __________, 1998.

Governor
PRESENTED TO THE
GOVERNOR
Date 7/20/98
Time 10:30 AM