

HB 2880

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2880

(By Delegates Hutchins, L. White,
Amores, Hunt and Johnson)



Passed March 13, 1999

In Effect Ninety Days from Passage

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SENATE, WEST VIRGINIA

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FOR

H. B. 2880

(BY DELEGATES HUTCHINS, L. WHITE,
AMORES, HUNT AND JOHNSON)

[Passed March 13, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article eight, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the unlawful taking of a vehicle; providing that second or subsequent violations are felonies; and providing enhanced penalties for second and subsequent convictions.

Be it enacted by the Legislature of West Virginia:

That section four, article eight, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. SPECIAL ANTTITHEFT LAWS.

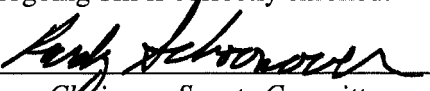
§17A-8-4. Unlawful taking of vehicle.

- 1 (a) Any person who drives a vehicle, not his or her own,
- 2 without consent of the owner thereof, and with intent tempo-
- 3 rarily to deprive said owner of his or her possession of such

4 vehicle, without intent to steal the same, is guilty of a misde-
5 meanor. The consent of the owner of a vehicle to its taking or
6 driving shall not in any case be presumed or implied because of
7 such owner's consent on a previous occasion to the taking or
8 driving of such vehicle by the same or a different person. Any
9 person who assists in, or is a party or accessory to or an
10 accomplice in any such unauthorized taking or driving, is guilty
11 of a misdemeanor.

12 (b) Any person violating the provisions of this section is,
13 for the first offense, guilty of a misdemeanor and, upon
14 conviction thereof, shall be fined not more than five hundred
15 dollars, or confined in the county or regional jail not more than
16 six months, or both; for the second offense, is guilty of a felony
17 and, upon conviction thereof, shall be fined not more than three
18 thousand dollars, or imprisoned in a state correctional facility
19 for not less than one nor more than three years, or imprisoned
20 in a regional jail for not more than one year, or both fined and
21 imprisoned; for third or subsequent offenses, is guilty of a
22 felony and, upon conviction thereof, shall be fined not more
23 than five thousand dollars, or imprisoned in a state correctional
24 facility for not less than one nor more than three years or both.

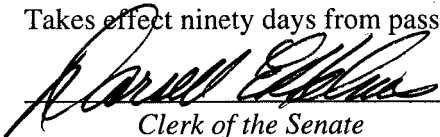
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

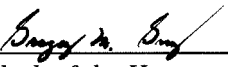

Chairman Senate Committee

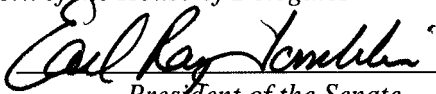

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

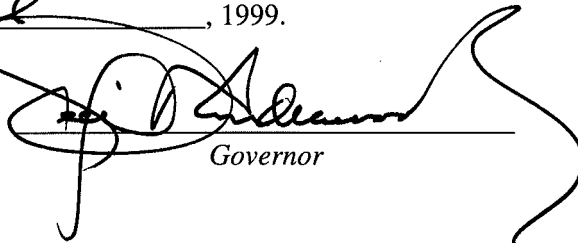

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 2nd
day of April, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/1/99

Time 2:50 pm

A handwritten signature in black ink, appearing to be 'Jm', written over the time field.