WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2880

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

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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 ANTITHEFT LAWS.

§17A-8-4. Unlawful taking of vehicle.

1 (a) Any person who drives a vehicle, not his or her own, without consent of the owner thereof, and with intent temporarily to deprive said owner of his or her possession of such
vehicle, without intent to steal the same, is guilty of a misde-
meanor. The consent of the owner of a vehicle to its taking or
driving shall not in any case be presumed or implied because of
such owner's consent on a previous occasion to the taking or
driving of such vehicle by the same or a different person. Any
person who assists in, or is a party or accessory to or an
accomplice in any such unauthorized taking or driving, is guilty
of a misdemeanor.

(b) Any person violating the provisions of this section is,
for the first offense, guilty of a misdemeanor and, upon
conviction thereof, shall be fined not more than five hundred
dollars, or confined in the county or regional jail not more than
six months, or both; for the second offense, is guilty of a felony
and, upon conviction thereof, shall be fined not more than three
thousand dollars, or imprisoned in a state correctional facility
for not less than one nor more than three years, or imprisoned
in a regional jail for not more than one year, or both fined and
imprisoned; for third or subsequent offenses, is guilty of a
felony and, upon conviction thereof, shall be fined not more
than five thousand dollars, or imprisoned in a state correctional
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 3rd day of April, 1999.

Governor