

SB 121

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 121

(By Senators *TOMBLIN, MR. PRESIDENT, AND*
SPROUSE, BY REQUEST OF THE EXECUTIVE)



PASSED MARCH 10, 2000

In Effect IMMEDIATELY FROM Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 121

(SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE, *original sponsors*)

[Passed March 10, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to sentencing of habitual criminals; and doubling the minimum term of an indeterminate felony sentence for a twice-convicted felon.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article eleven, 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 11. GENERAL PROVISIONS CONCERNING CRIMES.

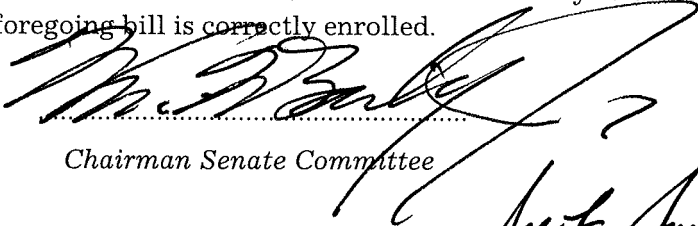
§61-11-18. Punishment for second or third offense of felony.

1 (a) Except as provided by subsection (b) of this section,
2 when any person is convicted of an offense and is subject
3 to confinement in the state correctional facility therefor,
4 and it is determined, as provided in section nineteen of this
5 article, that such person had been before convicted in the
6 United States of a crime punishable by confinement in a
7 penitentiary, the court shall, if the sentence to be imposed
8 is for a definite term of years, add five years to the time for
9 which the person is or would be otherwise sentenced.
10 Whenever in such case the court imposes an indeterminate
11 sentence, the minimum term shall be twice the term of
12 years otherwise provided for under such sentence.

13 (b) Notwithstanding the provisions of subsection (a) or
14 (c) of this section or any other provision of this code to the
15 contrary, when any person is convicted of first degree
16 murder or second degree murder or a violation of section
17 three, article eight-b chapter sixty-one of this code and it
18 is determined, as provided in section nineteen of this
19 article, that such person had been before convicted in this
20 state of first degree murder, second degree murder or a
21 violation of section three, article eight-b of said chapter or
22 has been so convicted under any law of the United States
23 or any other state for an offense which has the same
24 elements as any offense described in this subsection, such
25 person shall be punished by confinement in the state
26 correctional facility for life and is not eligible for parole.

27 (c) When it is determined, as provided in section nineteen
28 of this article, that such person shall have been twice
29 before convicted in the United States of a crime punish-
30 able by confinement in a penitentiary, the person shall be
31 sentenced to be confined in the state correctional facility
32 for life.

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



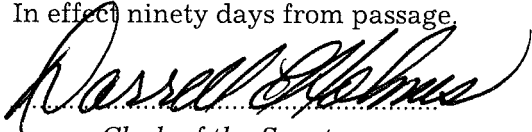
Chairman Senate Committee



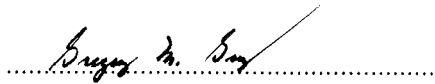
Chairman House Committee

Originating in the Senate.

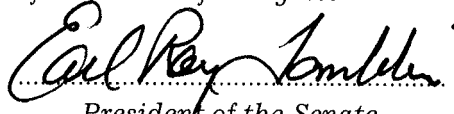
In effect ninety days from passage.



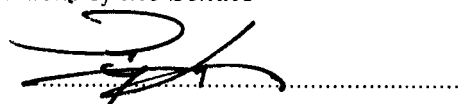
Clerk of the Senate



Clerk of the House of Delegates



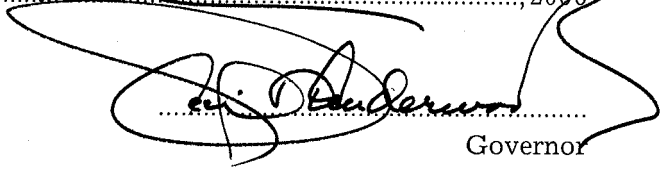
President of the Senate



Speaker House of Delegates

The within... *approved* ... this the *20th* ..

Day of ... *March* ... 2000



Governor

PRESENTED TO THE

GOVERNOR

Date

3/15/00

Time

3:00 pm