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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

ENROLLED

Committee Substitute For
SENATE BILL NO. 81

(By Senator CRAIGO, ET AL)

PASSED MARCH 6, 2000
In Effect NINETY DAYS FROM Passage

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STATE OF WEST VIRGINIA
SENATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 81

(BY SENATORS CRAIGO, PLYMALE, BALL, HUNTER,
KESSLER AND EDGELL, *original sponsors*)

[Passed March 6, 2000; 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 temporarily disabling substances or devices, including disabling chemical substances and electronic shock devices, to commit robbery; and providing for penalties therefore.

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; penalties.

- 1 (a) Any person who commits or attempts to commit
- 2 robbery by:

3 (1) Committing violence to the person, including, but not
4 limited to, partial strangulation or suffocation or by
5 striking or beating; or (2) uses the threat of deadly force by
6 the presenting of a firearm or other deadly weapon, is
7 guilty of robbery in the first degree and, upon conviction
8 thereof, shall be imprisoned in a state correctional facility
9 not less than ten years.

10 (b) Any person who commits or attempts to commit
11 robbery by placing the victim in fear of bodily injury by
12 means other than those set forth in subsection (a) of this
13 section or any person who commits or attempts to commit
14 robbery by the use of any means designed to temporarily
15 disable the victim, including, but not limited to, the use of
16 a disabling chemical substance or an electronic shock
17 device, is guilty of robbery in the second degree and, upon
18 conviction thereof, shall be confined in a correctional
19 facility for not less than five years nor more than eighteen
20 years.

21 (c) If any person: (1) By force and violence, or by putting
22 in fear, feloniously takes, or feloniously attempts to take,
23 from the person or presence of another any property or
24 money or any other thing of value belonging to, or in the
25 care, custody, control, management or possession of, any
26 bank, he shall be guilty of a felony and, upon conviction,
27 shall be confined in the penitentiary not less than ten nor
28 more than twenty years; and (2) if any person in commit-
29 ting, or in attempting to commit, any offense defined in
30 the preceding clause (1) of this subsection, assaults any
31 person, or puts in jeopardy the life of any person by the use
32 of a dangerous weapon or device, disabling chemical
33 substance or an electronic shock device, he shall be guilty
34 of a felony and, upon conviction, shall be confined in the
35 penitentiary not less than ten years nor more than twenty-
36 five years.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within.....*approved*..... this the *16th*
Day of.....*March*....., 2000

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/14/00

Time

12: 26pm