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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

ENROLLED

SENATE BILL NO. 97

(By Senator Love, et al)

PASSED March 11, **2000**
In Effect ninety days from **Passage**

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Senate Bill No. 97

(BY SENATORS LOVE, BALL, KESSLER,
HUNTER, SHARPE AND DAWSON)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and two, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to criminal offenses by inmates; and creating the additional criminal offense of killing, wounding or injuring any person at a correctional facility, or conspiring to do the same.

Be it enacted by the Legislature of West Virginia:

That sections one and two, article eight, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 8. CRIMES BY AND PROCEEDINGS AGAINST CONVICTS.

§62-8-1. Offenses by inmates; conspiracy.

- 1 A person imprisoned or otherwise in the custody of the
- 2 commissioner of corrections is guilty of a felony if he or

3 she kills, wounds or inflicts other bodily injury upon any
4 person at any correctional facility; or breaks, cuts or
5 injures any building, fixture or fastening of any correc-
6 tional facility, or any part thereof, for the purpose of
7 escaping or aiding any other inmate to escape therefrom,
8 or renders any correctional facility less secure as a place of
9 confinement; or makes, procures, secretes or has in his or
10 her possession, any instrument, tool or other thing for such
11 purpose, or with intent to kill, wound or inflict bodily
12 injury; or resists the lawful authority of an officer or guard
13 of any correctional facility for such purpose or with such
14 intent. Any three or more inmates so confined, or in such
15 custody, who conspire together to commit any offense
16 mentioned in this section are each guilty of a felony.

§62-8-2. Punishment of convicts; no discharge from correctional institution while prosecution is pending.

1 (a) Any inmate who violates the provisions of section one
2 of this article and the violation results in the death of any
3 person is guilty of a felony and, upon conviction thereof,
4 shall be confined in a state correctional facility for life,
5 and he or she shall not be eligible for parole, notwith-
6 standing the provisions of article twelve, chapter sixty-two
7 of this code.

8 (b) Any inmate who violates the provisions of section one
9 of this article and is serving a term of confinement for life,
10 is guilty of a felony and, upon conviction thereof, he or she
11 may not be eligible for parole, notwithstanding the
12 provisions of article twelve, chapter sixty-two of this code.

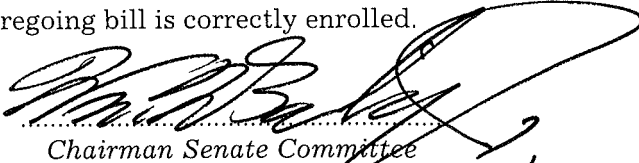
13 (c) Any inmate who is not serving a term of confinement
14 for life and who violates the provisions of section one of
15 this article and whose violation did not result in the death
16 of any person is guilty of a felony and, upon conviction
17 thereof, shall be confined in a state correctional facility
18 not less than one nor more than five years. Any term of

19 confinement imposed pursuant to this subsection is to be
20 consecutive to any term of confinement already imposed.

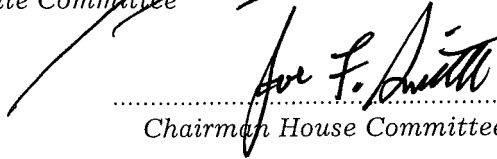
21 (d) An inmate prosecuted for an offense under this
22 article may not be discharged from a state correctional
23 facility while the prosecution is pending.

24 (e) Any person convicted pursuant to the provisions of
25 this section may not be sentenced under sections eighteen
26 or nineteen, article eleven, chapter sixty-one of this code:
27 *Provided*, That if an inmate commits an offense punishable
28 by confinement in a state correctional facility, other than
29 the offenses defined in section one of this article, he or she
30 shall be punished as if he or she had been discharged
31 before committing the offense.

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



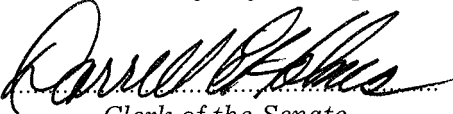
Chairman Senate Committee



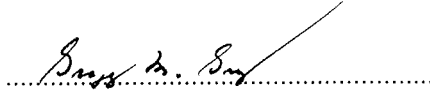
Chairman House Committee

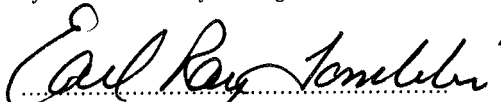
Originated in the Senate.

In effect ninety days from passage.

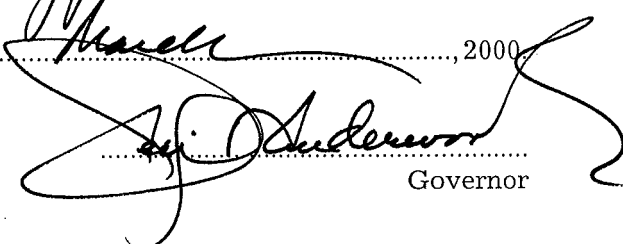


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within..... *approved* this the *29th*
Day of *March*, 2000

Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/00

Time 3:48 pm