

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

SENATE BILL NO. 610

(By Senator Wooten, et al)

PASSED March 5, 2002

In Effect ninety days from **Passage**

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Senate Bill No. 610

(BY SENATORS WOOTON, BURNETTE, CALDWELL, FANNING,
HUNTER, KESSLER, MINARD, MITCHELL, OLIVERIO,
ROWE, DEEM, FACEMYER AND MCKENZIE)

[Passed March 5, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article eleven, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the penalty for attempts to commit offenses punishable by life imprisonment.

Be it enacted by the Legislature of West Virginia:

That section eight, 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.

§61-11-8. Attempts; classification and penalties therefor.

- 1 Every person who attempts to commit an offense, but
- 2 fails to commit or is prevented from committing it, shall,
- 3 where it is not otherwise provided, be punished as follows:

4 (1) If the offense attempted be punishable with life
5 imprisonment, the person making such attempt shall be
6 guilty of a felony and, upon conviction, shall be impris-
7 oned in the penitentiary not less than three nor more than
8 fifteen years.

9 (2) If the offense attempted be punishable by imprison-
10 ment in the penitentiary for a term less than life, such
11 person shall be guilty of a felony and, upon conviction,
12 shall, in the discretion of the court, either be imprisoned in
13 the penitentiary for not less than one nor more than three
14 years, or be confined in jail not less than six nor more than
15 twelve months, and fined not exceeding five hundred
16 dollars.

17 (3) If the offense attempted be punishable by confine-
18 ment in jail, such person shall be guilty of a misdemeanor
19 and, upon conviction, shall be confined in jail not more
20 than six months, or fined not exceeding one hundred
21 dollars.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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

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

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

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

The within is approved this the 2nd
Day of April, 2002.

[Signature]
.....
Governor

PRESENTED TO THE

COMMISSIONER

Date 3/20/02

Time 3:20 pm