

2009 MAY -8 PM 3:40

CERETARY OF STATE

## WEST VIRGINIA LEGISLATURE

12 2920 (vet

**FIRST REGULAR SESSION, 2009** 

# ENROLLED

# House Bill No. 2920

(By Delegate Ellem)

Passed April 11, 2009

In Effect Ninety Days from Passage

### ENROLLED 2009 MAY -8 PM 3: 40 H. B. 2920 OFFICE WEST VIRGINIA SECRETARY OF STATE

(BY DELEGATE ELLEM)

[Passed April 11, 2009; in effect ninety days from passage.]

AN ACT to repeal §61-11-20 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-11-6 of said code, all relating to crimes and their punishment; eliminating the felony offense of second or subsequent petit larceny; and increasing the penalty for accessory after the fact to certain crimes; establishing penalties and creating exceptions.

Be it enacted by the Legislature of West Virginia:

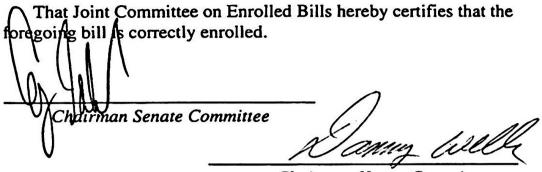
#### ARTICLE 11. GENERAL PROVISIONS CONCERNING CRIMES.

# §61-11-6. Punishment of principals in the second degree and accessories before and after the fact.

(a) In the case of every felony, every principal in the
 second degree and every accessory before the fact shall be
 punishable as if he or she were the principal in the first
 degree; and every accessory after the fact shall be confined
 in jail not more than one year and fined not exceeding \$500.
 But no person in the relation of husband and wife, parent or
 grandparent, child or grandchild, brother or sister, by

8 consanguinity or affinity, or servant to the offender, who,
9 after the commission of a felony, shall aid or assist a
10 principal felon, or accessory before the fact, to avoid or
11 escape from prosecution or punishment shall be deemed an
12 accessory after the fact.

(b) Notwithstanding the provisions of subsection (a) of 13 this section, any person who harbors, conceals, maintains or 14 assists the principal felon after the commission of the 15 16 underlying offense violating the felony provisions of sections one, four, or nine of article two of this chapter, or gives such 17 18 offender aid knowing that he or she has committed such felony, with the intent that the offender avoid or escape 19 20 detention, arrest, trial or punishment, shall be considered an 21 accessory after the fact and, upon conviction, be guilty of a 22 felony and confined in a state correctional facility for a 23 period not to exceed five years, or a period of not more than 24 one half of the maximum penalty for the underlying felony 25 offense, whichever is the lesser maximum term of 26 confinement. But no person who is a person in the relation of husband and wife, parent, grandparent, child, grandchild, 27 28 brother or sister, whether by consanguinity or affinity, or 29 servant to the offender shall be considered an accessory after 30 the fact.



Chairman House Committee

Originating in the House.

In 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 the dis appendent this the day of \_ 2009 Governor

#### PRESENTED TO THE GOVERNOR

MAY 6 2009

Time 3:45 m

.

.

•

•