

HB 2920
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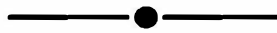
FILED

2009 JUN -5 PM 4: 08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

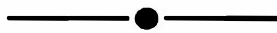
FIRST REGULAR SESSION, 2009



SECOND ENROLLMENT

House Bill No. 2920

(By Delegate Ellem)



Amended and again passed May 27, 2009,
as a result of the objections of the Governor

In Effect Ninety Days From Passage

S E C O N D
E N R O L L M E N T
H. B. 2920

FILED

2009 JUN -5 PM 4:08

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATE ELLEM)

[Amended and again passed May 27, 2009, as a result of the objections of the Governor; 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; providing elements of and increasing the penalty for accessory after the fact for certain crimes against the person; and excluding certain persons from being considered an accessory after the fact.

Be it enacted by the Legislature of West Virginia:

That §61-11-20 of the Code of West Virginia, 1931, as amended, be repealed, and that §61-11-6 of said code be amended and reenacted to read as follows:

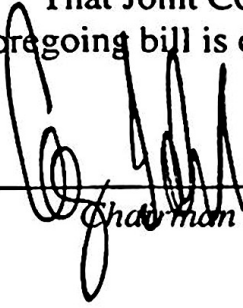
**ARTICLE 11. GENERAL PROVISIONS CONCERNING
CRIMES.**

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

83:4 17 2017
1 (a) In the case of every felony, every principal in the
2 second degree and every accessory before the fact shall be
3 punishable as if he or she were the principal in the first
4 degree; and every accessory after the fact shall be confined
5 in jail not more than one year and fined not exceeding \$500.
6 But no person in the relation of husband and wife, parent or
7 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.

13 (b) Notwithstanding the provisions of subsection (a) of
14 this section, any person who knowingly harbors, conceals,
15 maintains or assists the principal felon after the commission
16 of the underlying offense violating the felony provisions of
17 sections one, four, or nine of article two of this chapter, or
18 gives such offender aid knowing that he or she has committed
19 such felony, with the intent that the offender avoid or escape
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
27 husband and wife, parent, grandparent, child, grandchild,
28 brother or sister, whether by consanguinity or affinity, or
29 servant to the offender shall be considered an accessory after
30 the fact.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

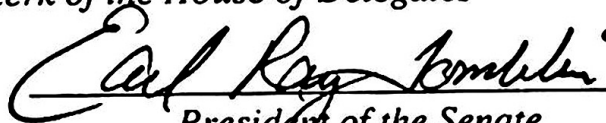
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 5th
day of June, 2009.



Governor

PRESENTED TO THE
GOVERNOR

JUN - 1 2009

Time 10:10am