

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 78**

BY SENATORS WOELFEL AND JEFFRIES

[Introduced February 8, 2017; referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §60A-4-414, relating to creating the criminal offense of attempt or conspiracy  
 3 to commit an offense within the Uniform Controlled Substances Act; setting a criminal  
 4 penalty for a person who attempts or conspires to commit such an offense equivalent to  
 5 the penalty for the underlying offense and thereby increasing criminal penalties; and  
 6 defining terms by reference to similar offenses and common law.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §60A-4-414, to read as follows:

**ARTICLE 4. OFFENSES AND PENALTIES**

**§60A-4-414. Conspiracy and attempts; penalties.**

1 Notwithstanding the penalties contained in section thirty-one, article ten, chapter sixty-one  
 2 of this code or section eight, article eleven, chapter sixty-one of this code, any person who  
 3 attempts or conspires to commit any offense contained in this chapter shall be subject to the same  
 4 penalty prescribed for the offense, the commission of which was the object of the attempt or  
 5 conspiracy. For purposes of this section, the definitions of conspire and attempt shall have the  
 6 same definitions given to those words by the Supreme Court of Appeals of West Virginia in  
 7 interpreting other offenses of conspiracy and attempt.

NOTE: The purpose of this bill is to create a separate offense for conspiracy and attempt to violate the Uniform Controlled Substances Act with penalties consistent with the underlying offense.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.