

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 327

BY SENATORS WELD, BOSO, GAUNCH, CLINE, AND

DRENNAN

[Introduced January 18, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating
 2 to the crime of extortion; and providing that extorting anything of value, including sexual
 3 contact and sexual intercourse, or an image of an intimate body part qualifies as extortion
 4 and subjects a person to a criminal penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-13. Extortion or attempted extortion by threats; penalties.

1 (a) If any A person threaten who threatens injury to the character, person or property of
 2 another person, or to the character, person or property of his ~~wife~~ or her spouse or child, or ~~to~~
 3 ~~accuse~~ accuses him or her or them of ~~any an~~ offense, and thereby ~~extort~~ extorts money, pecuniary
 4 benefit, or any bond, note or other evidence of debt, or consideration he ~~shall be~~ or she is guilty
 5 of a felony and, upon conviction, shall be confined in ~~the penitentiary~~ a correctional facility not
 6 less than one nor more than five years. ~~And if any A person make~~ who makes such threat of injury
 7 or accusation of an offense as herein set forth, but ~~fail thereby~~ fails to extort money, pecuniary
 8 benefit, ~~or~~ any bond, note or other evidence of debt, or consideration, he ~~shall be~~ is guilty of a
 9 misdemeanor and, upon conviction, shall be confined in jail not less than two nor more than 12
 10 months and fined not less than \$50 nor more than \$500.

11 (b) For purposes of this article, "consideration" means anything of value, including sexual
 12 contact and sexual intercourse as defined in §61-8B-1 of this code, and also includes an image
 13 of an intimate body part defined in §61-8-28a of this code.

NOTE: The purpose of this bill is to provide that extorting anything of value, including sexual contact and sexual intercourse, or an image of an intimate body part qualifies as extortion and subjects a person to the criminal penalty for extortion.

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