

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 327

BY SENATORS WELD, BOSO, GAUNCH, CLINE, AND

DRENNAN

[Originating in the Committee on the Judiciary;

reported on January 26, 2018]

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; providing that extorting anything of value, including sexual
3 contact, sexual intercourse, or an image of an intimate body part qualifies as extortion and
4 subjects a person to a criminal penalty; defining terms; and establishing criminal penalties.

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~~ A person threatens ~~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~~ a criminal offense, and thereby ~~extort~~ obtains anything
4 of value ~~money, pecuniary benefit, or any bond, note or other evidence of debt, or other~~
5 consideration, he ~~shall be~~ or she is guilty of a felony and, upon conviction, shall be confined in
6 ~~the penitentiary~~ a correctional facility not less than one nor more than five years. ~~And if any A~~
7 ~~person make~~ who makes such threat of injury or accusation of an offense as ~~herein~~ set forth in
8 this section, but ~~fail thereby~~ fails to ~~extort~~ obtain anything of value ~~money, pecuniary benefit, or~~
9 ~~any bond, note or other evidence of debt, or other consideration~~, he ~~shall be~~ is guilty of a
10 misdemeanor and, upon conviction, shall be confined in jail not less than two nor more than 12
11 months and fined not less than \$50 nor more than \$500.

12 (b) For purposes of this article, "consideration" includes sexual acts as defined in §61-8B-
13 1 of this code, and images of intimate parts defined in §61-8-28a of this code.