

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2988**

BY DELEGATE R. MILLER

[Introduced March 14, 2017; Referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-3-20 of the Code of West Virginia, 1931, as amended, relating  
2 to clarifying the penalties for embezzlement.

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

1 That §61-3-20 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

### **ARTICLE 3. CRIMES AGAINST PROPERTY.**

#### **§61-3-20. Embezzlement.**

1 If any officer, agent, clerk or servant of this state, or of any county, district, school district  
2 or municipal corporation, or of any banking institution, or other corporation, or any officer of public  
3 trust in this state, or any agent, clerk or servant of any firm or person, or company or association  
4 of persons not incorporated, embezzles or fraudulently converts to his or her own use, bullion,  
5 money, bank notes, drafts, security for money, or any effects or property of any other person,  
6 which shall have come into his or her possession, or been placed under his or her care or  
7 management, by virtue of his or her office, place or employment, he or she shall be guilty of ~~the~~  
8 larceny thereof a felony and, upon conviction thereof, shall be imprisoned in a state correctional  
9 facility not less than two nor more than ten years or fined not to exceed \$10,000, or both fined  
10 and imprisoned. If such guilty person be an officer, agent, clerk or servant of any banking  
11 institution, he or she shall be guilty of a felony and, upon conviction thereof, shall be imprisoned  
12 in a state correctional facility not less than ten years. And it shall not be necessary to describe in  
13 the indictment, or to identify upon the trial, the particular bullion, money, bank note, draft or  
14 security for money which is so taken, converted to his or her own use or embezzled by him or  
15 her.

16 And whenever any officer, agent, clerk or servant of this state, or of any county, district,  
17 school district or municipal corporation, shall appropriate or use for his or her own benefit, or for  
18 the benefit of any other person, any bullion, money, bank notes, drafts, security for money or  
19 funds belonging to this state or to any such county, district, school district or municipal corporation,

20 he or she shall be held to have embezzled the same and be guilty of the larceny thereof. In the  
21 prosecution of any such officer, agent, clerk or servant of this state or of any county, district,  
22 school district or municipal corporation charged with appropriation or use for his or her own benefit  
23 or the benefit of any other person, any bullion, money, bank notes, drafts, security for money or  
24 funds belonging to this state or to any county, district, school district or municipal corporation, it  
25 shall not be necessary to describe in the indictment, or to identify upon the trial, the particular  
26 bullion, money, bank notes, drafts, security for money or funds appropriated or used for his or her  
27 own benefit or for the benefit of any other person.

NOTE: The purpose of this bill is to clearly define the penalties for embezzlement.

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