

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3132

By Delegates Ridenour, Foster, Kirby, Steele, Kimble,
Honaker, Hillenbrand, Martin, Phillips, Kump, and
Zatezalo

[Introduced January 30, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-5A-9 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the penalties for bribery and corrupt practices; and disqualification to hold
3 office.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5A. BRIBERY AND CORRUPT PRACTICES.

§61-5A-9. Penalties; disqualification to hold office; ~~statute of limitations for misdemeanor offenses.~~

1 (a) Any person who violates any of the provisions of §61-5A-3 of this code ~~shall be~~ is guilty
2 of a felony, and, upon conviction thereof, shall be ~~punished, if an individual, by imprisonment in the~~
3 ~~penitentiary not less than one nor more than ten years, and, if a corporation, by a fine of not~~
4 ~~exceeding \$50,000~~ fined not more than three times the amount of the bribe, or \$250,000,
5 whichever is greater and imprisoned in a state correctional facility not less than three nor more
6 than 10 years. Any person convicted of violating any of the provisions of §61-5-3 of this code shall
7 also be forever disqualified from holding any office or position of honor, trust or profit of
8 government in this state.

9 (b) Any person who violates any of the provisions of §61-5A-4 of this code ~~shall be~~ is guilty
10 of a ~~misdemeanor~~ felony, and, upon, conviction thereof, shall be ~~punished by confinement in jail~~
11 ~~not less than three months nor more than one year or by a fine of not exceeding \$5,000 or, in the~~
12 ~~discretion of the court, by both such confinement and fine~~ fined not exceeding the amount of the
13 bribe or \$105,000, whichever is greater, and imprisoned in a state correctional facility not less than
14 one year nor more than three years. Any person convicted of violating any of the provisions of §61-
15 5-3 of this code shall also be forever disqualified from holding any office or position of honor, trust
16 or profit of government in this state.

17 (c) Any person who violates any of the provisions of §61-5A-f of this code ~~shall be~~ is guilty
18 of a ~~misdemeanor~~ felony, and, upon conviction thereof, shall be ~~punished by confinement in jail~~
19 ~~not less than three months nor more than one year or by a fine of not exceeding \$5,000 or, in the~~

20 ~~discretion of the court, by both such confinement and fine, unless such person threatened to~~
21 ~~commit a crime or made a threat with the purpose to influence an administrative or judicial~~
22 ~~proceeding, in which event, he shall, upon conviction thereof, be guilty of a felony and, shall be~~
23 ~~punished as specified in subsection (a) of this section for a violation of any of the provisions of~~
24 ~~section three of this article. fined not exceeding the amount of the bribe or \$10,000, whichever is~~
25 ~~greater, and imprisoned in a state correctional facility not less than one year nor more than three~~
26 ~~years. Any person convicted of violating any of the provisions of §61-5-3 of this code shall also be~~
27 ~~forever disqualified from holding any office or position of honor, trust or profit of government in this~~
28 ~~state.~~

29 ~~(d) Any person who violates any of the provisions of section six or section seven of this~~
30 ~~article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by~~
31 ~~confinement in jail not less than three months nor more than one year or by a fine of not less than~~
32 ~~\$50 nor more than \$1,000 or, in the discretion of the court, by both such confinement and fine.~~

33 ~~(e) Notwithstanding the provisions of section nine, article eleven of this chapter or any~~
34 ~~other provision of law to the contrary, a prosecution for a misdemeanor under the provisions of this~~
35 ~~article shall be commenced within six years after the offense was committed~~

36 ~~(d) Nothing in this article may be construed or applied in a manner that violates or conflicts~~
37 ~~with superseding federal law.~~

NOTE: The purpose of this bill is to increase the penalties for bribery and corrupt practices and disqualification to hold office.

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