

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2759

By Delegates Ridenour, Ward, Butler, Hillenbrand,
Phillips, Kump, Roop, Jennings, Gearheart,
Funkhouser, and Kimble

[Introduced February 21, 2025; 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 bribery and corrupt practices; creating criminal penalties; and clarifying when a person is
 3 disqualified from holding 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 section three of this article ~~shall be~~ is
 2 guilty of a felony, and, upon conviction thereof, shall be ~~punished, if an individual, by imprisonment~~
 3 ~~in the 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 section three of this article
 7 shall 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 section four of this article ~~shall be~~ is
 10 guilty of a ~~misdemeanor~~ felony, and, upon, conviction thereof, shall be ~~punished by confinement in~~
 11 ~~jail not less than three months nor more than one year or by a fine of not exceeding \$5,000 or, in~~
 12 ~~the discretion of the court, by both such confinement and fine~~ fined not exceeding the amount of
 13 the bribe or \$105,000, whichever is greater, and imprisoned in a state correctional facility not less
 14 than one year nor more than three years. Any person convicted of violating any of the provisions of
 15 §61-5-3 of this code shall also be forever disqualified from holding any office or position of honor,
 16 trust or profit of government in this state.

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

20 ~~the 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 or she shall, upon conviction thereof, be guilty of a felony and, shall~~
23 ~~be 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 to clarify when a person is disqualified from holding 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.