

1 **H. B. 4337**

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3 (By Delegates Iaquinta, Longstreth, Ashley, Azinger,
4 O'Neal, Givens, Ferro, Rowan, Craig and Paxton)

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[Introduced January 30, 2012; referred to the

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Committee on Veterans' Affairs and Homeland Security

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then the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §61-3-59, relating to
12 crimes against property; and creating misdemeanor offense of
13 depriving rightful heir to possession of Civil War medals or
14 medals and citations awarded from any other war in which the
15 Armed Forces of the United States participated; when affidavit
16 required; and criminal penalties.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §61-3-59 to read as
20 follows:

21 **ARTICLE 3. CRIMES AGAINST PROPERTY.**

22 **§61-3-59. Wrongful depriving rightful heir of Civil War medals or**
23 **medals from other wars; affidavit; penalties.**

24 (a) Any person who by means of wrongful representations,
25 whether willful or not, deprives another person of any Civil War

1 medal or citation or medal or citation from any other war in which
2 the Armed Forces of the United States participated, when the medal
3 or citation would pass under the law of descent and distribution,
4 as set out in chapter forty-two of this code, to a more direct
5 descendant, is guilty of the larceny of the medal or citation, a
6 misdemeanor and, upon conviction thereof, shall be fined not less
7 than \$2,000 or confined in jail not more than one year, or both
8 fined and confined. In addition to any other penalties, the
9 rightful descendant is entitled to possession of the medal or
10 citation or the fair market of the medal or citation.

11 (b) After the effective date of this section, any person, who
12 claims entitlement to possession of any Civil War medal or citation
13 or medal or citation from any other war in which the Armed Forces
14 of the United States participated following the death of the person
15 to whom the medal or citation was awarded, shall execute a
16 notarized affidavit stating that: "I (claimant's name, and
17 address) swear (or affirm) that to the best of my knowledge I am
18 the rightful and most direct descendant, under the law of descent
19 and distribution, of (Civil War relative's name -- or name of
20 deceased relative or any other war in which the Armed Forces of the
21 United States participated); and under penalty of law, certify that
22 this is an honest claim. If, unbeknownst to me, a later claimant
23 comes forward, with proof of more direct descent, I will relinquish
24 the medal or citation to the State of West Virginia for

1 distribution to the more direct descendant."

2 (c) A violation of law may be prosecuted under this section

3 notwithstanding any other provision of this code.

NOTE: The purpose of this bill is to create the misdemeanor offense of depriving a rightful heir, under the law of descent and distribution, to possession of Civil War medals or citations or medals and citations awarded from any other war in which the Armed Forces of the United States participated.

§61-3-59 is new; therefore, it has been completely underscored.