

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 574

BY SENATORS WELD AND CLINE

[Originating in the Committee on the Judiciary;

Reported on February 21, 2018]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §61-3-59, relating to creating the offense of misrepresentation of military status
3 or honors with the intent to obtain money, property, or anything of value; and providing
4 criminal penalties based upon value.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-59. Misrepresentation of past or present military status or military awards to obtain anything of value; penalties.

1 (a) Any person who misrepresents himself or herself to:

2 (1) Be a member or veteran of the armed forces of the United States; or

3 (2) Be a recipient of any military commendation, decoration, or medal awarded to
4 members of the armed forces of the United States or the several states who does so with the
5 intent to obtain money, property, or a thing of value is guilty of the offense of misrepresentation
6 of military status.

7 (b)(1) Any person violating the provisions of §61-3-59(a) of this code where the value of
8 the money, property, or thing of value is \$1,000 or more shall be guilty of a felony and, upon
9 conviction thereof, be fined not more than \$5,000, or imprisoned in a state correctional facility for
10 not less than one nor more than 10 years, or both fined and imprisoned.

11 (2) Any person violating the provisions of §61-3-59(a) of this code where the value of
12 the money, property, or thing of value is \$999 or less, shall be guilty of a misdemeanor and, upon
13 conviction thereof, shall be fined not more than \$2,500, or confined in jail for not more than one
14 year, or both fined and confined.

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