

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4211

BY DELEGATES MARCUM, ELDRIDGE, RODIGHIERO,
HICKS, R. MILLER, ISNER, PHILLIPS, HOLLEN, MAYNARD
AND E. EVANS

[Introduced January 19, 2018; Referred
to the Committee on Education then the Judiciary.]

1 A BILL to amend and reenact §61-3-20 of the Code of West Virginia, 1931, as amended, relating
 2 to increasing penalties for public school employees that embezzle public funds.

Be it enacted by the Legislature of West Virginia:

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~~ is guilty of the
 8 larceny thereof. If such guilty person ~~be~~ is an officer, agent, clerk or servant of any banking
 9 institution, he ~~or she shall be~~ is guilty of a felony and, upon conviction thereof, shall be imprisoned
 10 in ~~the penitentiary~~ a state correctional facility not less than ten years. And it ~~shall not be~~ is not
 11 necessary to describe in the indictment, or to identify upon the trial, the particular bullion, money,
 12 bank note, draft or security for money which is so taken, converted to his or her own use or
 13 embezzled by him or her.

14 And whenever any officer, agent, clerk or servant of this state, or of any county, district,
 15 school district or municipal corporation, shall appropriate or use for his or her own benefit, or for
 16 the benefit of any other person, any bullion, money, bank notes, drafts, security for money or
 17 funds belonging to this state or to any such county, district, school district or municipal corporation,
 18 he ~~or she~~ shall be held to have embezzled the same and be guilty of the larceny thereof. In the
 19 prosecution of any such officer, agent, clerk or servant of this state or of any county, district,
 20 school district or municipal corporation charged with appropriation or use for his or her own benefit
 21 or the benefit of any other person, any bullion, money, bank notes, drafts, security for money or

22 funds belonging to this state or to any county, district, school district or municipal corporation, it
23 shall not be necessary to describe in the indictment, or to identify upon the trial, the particular
24 bullion, money, bank notes, drafts, security for money or funds appropriated or used for his or her
25 own benefit or for the benefit of any other person: Provided, That any officer, agent, clerk or
26 servant of any school district convicted under this section for embezzling public funds shall be
27 imprisoned in a state correctional facility for not less than three years nor more than fifteen years
28 and fined not more than \$25,000.

NOTE: The purpose of this bill is to increase penalties for school employees convicted of embezzling public funds.

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