

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **House Bill 2509**

BY DELEGATES PACK, DEAN, WILSON AND ROHRBACH

[Introduced January 17, 2019; Referred  
to the Committee on the Judiciary.]



1 A BILL to amend and reenact §60A-4-403 of the Code of West Virginia, 1931, as amended,  
2 relating to clarifying that theft of a controlled substance is a felony.

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

**ARTICLE 4. OFFENSES AND PENALTIES.**

**§60A-4-403. Prohibited acts C; penalties.**

1 (a) It is unlawful for any person knowingly or intentionally:

2 (1) To distribute as a registrant a controlled substance classified in Schedule I or II, except  
3 pursuant to an order form as required by section 307 of this act;

4 (2) To use in the course of the manufacture or distribution of a controlled substance a  
5 registration number which is fictitious, suspended, revoked, or issued to another person;

6 (3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud,  
7 forgery, theft, deception, or subterfuge;

8 (4) To furnish false or fraudulent material information in, or omit any material information  
9 from, any application, report, or other document required to be kept or filed under this act, or any  
10 record required to be kept by this act; or

11 (5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed  
12 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or  
13 device of another or any likeness of any of the foregoing upon any drug or container or labeling  
14 thereof so as to render the drug a counterfeit substance.

15 (b) Any person who violates this section is guilty of a felony and, upon conviction, may be  
16 imprisoned in ~~the penitentiary~~ a correctional facility for not less than one year nor more than four  
17 years, or fined not more than \$30,000, or both.

NOTE: The purpose of this bill is to clarify that theft of a controlled substance is a felony.

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