

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3100**

BY DELEGATE MARCUM, MAYNARD, DEAN, WILSON,  
PAYNTER, PHILLIPS, R. MILLER, HICKS, THOMPSON,  
ELDRIDGE AND WESTFALL

[Introduced March 14, 2017; 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:*

1 That §61-3-20 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

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

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

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