

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2211**

By Delegate Steele

[Introduced February 12, 2025; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §61-3C-13 of the West Virginia Code, 1931, as amended, to  
2 proscribe a new penalty that is subject to the value limitations, and to provide for  
3 calculation of the value of the criminal act in determining the appropriate sentence.

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

**ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.**

**§61-3C-13. Fraud and related activity in connection with access devices.**

1 (a) As used in this section, the following terms shall have the following meanings:

2 "Access device" means any card, plate, code, account number, or other means of account  
3 access that can be used, alone or in conjunction with another access device, to obtain money,  
4 goods, services, or any other thing of value, or that can be used to initiate a transfer of funds (other  
5 than a transfer originated solely by paper instrument);

6 "Counterfeit access device" means any access device that is counterfeit, fictitious, altered,  
7 or forged, or an identifiable component of an access device or a counterfeit access device;

8 "Unauthorized access device" means any access device that is lost, stolen, expired,  
9 revoked, canceled, or obtained without authority;

10 "Produce" includes design, alter, authenticate, duplicate, or assemble;

11 "Traffic" means transfer, or otherwise dispose of, to another, or obtain control of with intent  
12 to transfer or dispose of.

13 (b) Any person who knowingly and willfully possesses any counterfeit or unauthorized  
14 access device ~~shall be~~ is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not  
15 more than \$1000 or confined in the county jail for not more than six months, or both fined and  
16 confined.

17 (c) Any person who knowingly, willfully and with intent to defraud possesses a counterfeit  
18 or unauthorized access device or who knowingly, willfully and with intent to defraud, uses,  
19 produces or traffics in any counterfeit or unauthorized access device ~~shall be~~ is guilty of a ~~felony~~  
20 larceny and, ~~upon conviction thereof, shall be fined not more than ten thousand dollars or~~

21 ~~imprisoned in the penitentiary for not more than ten years, or both~~ For purposes of this section, the  
22 value of the use of the access device, whether counterfeit or unauthorized, shall be calculated in  
23 the aggregate rather than for each individual use of the access device. Upon conviction thereof,  
24 and a finding of the aggregate value of the use of the access device, the defendant shall be  
25 sentenced in accordance with §61-3-13, as the subsections thereof apply to the value of the  
26 larceny.

27 (d) In determining the aggregate value, the value of all transactions from the use of multiple  
28 access devices attributed to a single victim, whether they are counterfeit or unauthorized, shall be  
29 used to determine the total value of the larceny.

30 ~~(d)~~ (e) This section shall may not prohibit any lawfully authorized investigative or protective  
31 activity of any state, county or municipal law-enforcement agency.

NOTE: The purpose of this bill is to proscribe a new penalty that is subject to the value limitations of W. Va. Code §61-3-13, that the sentence provided for in subsection (c) be amended to become the exact same sentence for a violation of W. Va. Code §61-3-13, and to provide for calculation of the value of the criminal act in determining the appropriate sentence.

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