

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Committee Substitute**

**for**

**House Bill 2217**

BY DELEGATE STEELE

[Passed April 7, 2025; in effect 90 days from passage

(July 6, 2025)]



1 AN ACT to amend and reenact §61-10-31 of the Code of West Virginia, 1931, as amended,  
2 relating to conspiracy; modifying penalties for crimes against the state; establishing the  
3 penalty for conspiracy to commit felony crimes of violence against a person or felony  
4 crimes where the victim was a minor child; establishing the penalty for conspiracy to  
5 commit felony crimes punishable by life imprisonment; establishing the penalty for  
6 conspiracy to commit felony crimes of kidnapping, arson in the first degree, and sexual  
7 assault in the first degree; creating criminal penalties; and making technical corrections.

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

## **ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.**

### **§61-10-31. Conspiracy; construction of section; penalties.**

1 (a) It is unlawful for two or more persons to conspire: (1) to commit any offense against  
2 the state, or (2) to defraud the state, the state or any county board of education, or any county or  
3 municipality of the state, if, in either case, one or more of such persons does any act to effect the  
4 object of the conspiracy.

5 (b) Nothing in this section may be construed to supersede, limit, repeal, or affect the  
6 provisions of §3-9-8; §5-1-2; §5A-3-31; §9-7-5; §15-1E-81; §20-7-7; §60-6-16, §60A-4-414; §61-  
7 6-7, §61-6-8, §61-6-9, and §61-6-10; §61-10-34; or §62-8-1; all of this code. It is not a defense to  
8 any prosecution under this section that the conduct charged or proven is also a crime under any  
9 other provision or provisions of this code or the common law.

10 (c)(1) Any person who violates the provisions of this section by conspiring to commit an  
11 offense against the state which is a felony, or by conspiring to defraud the state, the state or any  
12 county board of education, or any county or municipality of the state, is guilty of a felony and,  
13 upon conviction thereof, shall be punished by imprisonment in a state correctional facility for not  
14 less than one nor more than five years or by a fine of not more than \$10,000, or both imprisonment  
15 and fine.

16           (2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who  
17 violates the provisions of this section by conspiring to commit an offense against the state which  
18 is a felony crime of violence against the person or a felony offense where the victim was a minor  
19 child, as those terms are defined in §62-12-13 of this code, is guilty of a felony and, upon  
20 conviction thereof, shall be punished by imprisonment in a state correctional facility for not less  
21 than three years nor more than 15 years.

22           (3) Notwithstanding the provisions of subdivisions (1) or (2) of this subsection, any person  
23 who violates the provisions of this section by conspiring to commit an offense in violation of §61-  
24 2-14a, §61-3-1, or §61-8B-3 of this code, or an offense against the state which is punishable by  
25 life imprisonment is guilty of a felony and, upon conviction thereof, shall be punished by  
26 imprisonment in a state correctional facility for not less than five years nor more than 25 years.

27           (d) Any person who violates the provisions of this section by conspiring to commit an  
28 offense against the state which is a misdemeanor is guilty of a misdemeanor and, upon conviction  
29 thereof, shall be punished by confinement in jail for not more than one year or by a fine of not  
30 more than \$1,000, or both confinement and fine.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2025.

.....  
*Governor*