

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2217**

By Delegate Steele

[Originating in the Committee on the Judiciary;

Reported on February 26, 2025]

1 A BILL to amend and reenact §61-10-31 of the Code of West Virginia, 1931, as amended, relating  
2 to conspiracy; clarifying the penalty for conspiracy to commit felony crimes of violence  
3 against a person or felony crimes where the victim was a minor child; clarifying the penalty  
4 for conspiracy to commit felony crimes punishable by life imprisonment; clarifying the  
5 penalty for conspiracy to commit felony crimes of kidnapping, arson in the first degree, and  
6 sexual assault in the first degree; creating criminal penalties; and making technical  
7 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 ~~shall be~~ is unlawful for two or more persons to conspire: (1) to commit any offense  
2 against the state, or (2) to defraud the state, the state or any county board of education, or any  
3 county or municipality of the state, if, in either case, one or more of such persons does any act to  
4 effect the object of the conspiracy.

5            (b) Nothing in this section ~~shall~~ may be construed to supersede, limit, repeal or affect the  
6 provisions of §3-9-8; §5-1-2; ~~§5A-3-38~~; §20-7-7; §60-6-16, §61-6-7, §61-6-8, §61-6-9, and §61-6-  
7 10; or §62-8-1; all of this code. It ~~shall not be~~ is not a defense to any prosecution under this section  
8 ~~thirty-one~~ that the conduct charged or proven is also a crime under any other provision or  
9 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, ~~shall be~~ is guilty of a felony  
13 and, upon conviction thereof, shall be punished by imprisonment in ~~the penitentiary~~ a state  
14 correctional facility for not less than one nor more than five years or by a fine of not more than  
15 \$10,000, or, ~~in the discretion of the court~~ by both such imprisonment 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 is  
18 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 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 §61-2-  
24 14a, §61-3-1, or §61-8B-3 of this code, or an offense against the state which is punishable by life  
25 imprisonment is guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
26 in a state correctional facility for not less than five 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 shall be is guilty of a misdemeanor and, upon  
29 conviction thereof, shall be punished by confinement in the county jail for not more than one year  
30 or by a fine of not more than \$1,000, or, in the discretion of the court, by both such confinement and  
31 fine.