

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2217

By Delegate Steele

[Enter References]

A BILL to amend and reenact §61-10-31 of the Code of West Virginia, 1931, as amended, relating to conspiracy; clarifying the penalty for conspiracy to commit felony crimes of violence against a person or felony crimes where the victim was a minor child; clarifying the penalty for conspiracy to commit felony crimes punishable by life imprisonment; 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.

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

(b) Nothing in this section ~~shall~~ may be construed to supersede, limit, repeal or affect the 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 §61-6-10; or §62-8-1; all of this code. It ~~shall not be~~ is not a defense to any prosecution under this section ~~thirty-one~~ that the conduct charged or proven is also a crime under any other provision or provisions of this code or the common law.

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

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who violates the provisions of this section by conspiring to commit an offense against the state which 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 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.