

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 617

By Senators Roberts, Azinger, Barrett, Deeds, Fuller,
Hart, Helton, Jeffries, Maynard, Morris, Rose, Stuart,
Tarr, and Thorne

[Introduced on February 27, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-13-2 and §61-13-3 of the Code of West Virginia, 1931, as
2 amended, relating to discouraging gang activity; and adding gang activity to offenses
3 punishable by this section.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. ANTI-ORGANIZED CRIMINAL ENTERPRISE ACT.

§61-13-2. Definitions.

1 As used in this article:

2 "Organized criminal enterprise" means a combination of five or more persons engaging
3 over a period of not less than six months in one or more of the qualifying offenses set forth in this
4 section.

5 "Gang" shall have the same definition as "organized criminal enterprise" when used in §61-
6 13-1 et seq. of this code.

7 "Qualifying offense" means a violation of the felony provisions of §33-41-11 of this code;
8 the felony provisions of §61A-1-1 et seq. of this code; the felony provisions of §61-2-1 et seq. of
9 this code; the provisions of §61-3-1, §61-3-2, §61-3-3, §61-3-4, §61-3-5, §61-3-11, §61-3-12, §61-
10 3-13, §61-3-14, §61-3-18, §61-3-19, §61-3-24, §61-3-24a, §61-3-24b, §61-3-24d of this code; the
11 felony provisions of §61-3E-1 et seq. of this code; the felony provisions of §61-4-1 et seq. of this
12 code; the provisions §61-8-8 et seq. of this code; the felony provisions of §61-8A-1 et seq. of this
13 code and the felony provisions of §61-8C-1 et seq. of this code.

§61-13-3. Offenses.

1 (a) Any person who knowingly and willfully becomes a member of an organized criminal
2 enterprise, including gang activity, and who knowingly promotes, furthers or assists in the
3 commission of any qualifying offense himself or herself or in combination with another member of
4 an organized criminal enterprise, or gang, shall be guilty of a felony and, upon conviction, shall be
5 confined in a state correctional facility for not more than 10 years or fined not more than \$25,000,
6 or both. The offense set forth in this subsection is separate and distinct from that of any qualifying

7 offense and may be punished separately.

8 (b) Any person who knowingly solicits, invites, recruits, encourages or causes another to
9 become a member of an organized criminal enterprise, or solicits, invites, recruits, encourages, or
10 causes another become a member of a gang, or to assist members of an organized criminal
11 enterprise, or gang, to aid or assist in the commission of a qualifying offense by one or more
12 members of an organized criminal enterprise, or gang, shall be guilty of a felony and, upon
13 conviction, shall be confined in a state correctional facility for not more than five years or fined not
14 more than \$10,000, or both.

15 (c) Any person who shall, by threats, menaces, or otherwise, intimidate, or attempt to
16 intimidate, a witness for the state in any prosecution under the provisions of this article, for the
17 purpose of preventing the attendance of such witness at the trial of such case or to change
18 testimony, or shall in any way or manner prevent, or attempt to prevent, the attendance of any such
19 witness at such trial, shall be guilty of a felony, and, upon conviction, shall be confined not more
20 than 10 years.

NOTE: The purpose of this bill is to discourage gang activity and add gang activity to offenses punishable by this section.

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