

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Senate Bill 705

BY SENATORS WELD, DEEDS, AND WOELFEL

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §61-3-61, relating to providing definitions; establishing criminal offenses
3 related to theft by conversion; establishing criminal penalties and fines; providing for
4 restitution; and establishing venue.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-61. Theft by conversion; penalties; and restitution.

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

2 "Property" includes, but is not limited to, leased or rented personal property;

3 "Personal property" means personal property having a replacement cost value greater
4 than \$100, excluding any late fees and penalties, including but not limited to heavy equipment
5 contained within the definition of "heavy equipment rental inventory" in §11-5-15 of this code,
6 tractors, and other farm equipment primarily designed for use in agriculture; and

7 "Funds" means any form of money, including cash, payment instruments such as checks,
8 money orders, or sales drafts, and receipts from electronic fund transfers.

9 (b) A person is guilty of the offense of theft by conversion when, after having lawfully
10 obtained funds or other property of another under an agreement or by some other legal obligation
11 in order to make a specified application of the funds or a specified disposition of the property, he
12 or she knowingly converts the funds or property to his or her own use in violation of the agreement
13 or legal obligation.

14 (c) Any person who violates the provisions of this section involving funds or other property
15 valued in an amount of less than \$2,500 is guilty of a misdemeanor and, upon conviction thereof,
16 shall be confined in jail for not more than one year, fined not more than \$1,000, or both fined and
17 confined. Any person who violates the provisions of this section involving funds or other property
18 valued in an amount of \$2,500 or more, is guilty of a felony and, upon conviction thereof, shall be

19 imprisoned in a state correctional facility for not less than one year nor more than 10 years, fined
20 not more than \$2,500, or both fined and imprisoned.

21 (d) The court, when sentencing a defendant convicted of an offense under this section,
22 shall order, in addition to or in lieu of any other penalty authorized by law, that the defendant make
23 restitution to any victim in accordance with §61-11A-4 of this code.

24 (e) Venue for prosecution of any violation of this section may be in the county in which the
25 defendant resides, the county in which the victim resides, in the county where the property is
26 located, in the county where the agreement was executed, or in the county where the obligation
27 arose.

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

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

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Governor