

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 705

By Senator Weld

[Introduced February 2, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §61-3-61, relating to establishing the offense of theft by conversion;
3 establishing criminal penalties; providing for 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 heavy equipment contained within the

5 definition of "heavy equipment rental inventory" in §11-5-15 of this code, as well as tractors and

6 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 or

12 she knowingly converts the funds or property to his or her own use in violation of the agreement or

13 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 provisions of this section apply regardless of whether the required application or
22 disposition is to be made from the funds or property of another or from an equivalent amount of the
23 defendant's own funds or property, provided that the agreement or legal obligation contemplates
24 that the holder may treat the funds or property of another as his or her own.

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

28 (f) Venue for prosecution of any violation of this section may be in the county in which the
29 defendant resides, the county in which the victim resides, or in the county where the property is
30 located or where the agreement was executed or the obligation arose.

NOTE: The purpose of this bill is to create the offense of theft by conversion and establish penalties.

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