

# WEST VIRGINIA CODE: §61-13-3

## §61-13-3. Offenses.

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

(b) Any person who knowingly solicits, invites, recruits, encourages, or causes another to become a member of an organized criminal enterprise or gang, or to assist members of an organized criminal enterprise or gang, to aid or assist in the commission of a qualifying offense by one or more members of an organized criminal enterprise or gang, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not more than five years or fined not more than \$10,000, or both imprisoned and fined. The offense set forth in this subsection is separate and distinct from that of any qualifying offense and may be punished separately.

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