

Rec., Dec. 18

19

# ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 19

By Mr. Hodges

PASSED December 14, 1933

IN EFFECT From PASSAGE

Originating in the Senate Takes effect from Passage.  
Harry G. Smith Clerk. W. A. D. Hall Clerk House of Delegates.

CORRECTLY ENROLLED

James F. Smith  
Chairman House Committee.

James F. Smith  
Chairman Senate Committee.

## ENROLLED BILL

(S. B. No. 19)

[Passed December 14, 1933; in effect from passage.]

AN ACT to amend and reenact section fourteen, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, relating to the offenses of abduction of females, of kidnapping or concealing children, and penalties; and adding thereto section fourteen-(a), section fourteen-(b), section fourteen-(c), section fourteen-(d), and section fourteen-(e), relating to the offenses of kidnapping and of threats to kidnap, accessories, venue of the offenses, and penalties, so as more effectually to punish kidnapping.

*Be it enacted by the Legislature of West Virginia:*

That section fourteen, article two, chapter sixty-one of the

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*Anna D. Hyatt*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

2 code of West Virginia, one thousand nine hundred thirty-one,  
3 relating to the offenses of abduction of females, of kidnapping  
4 or concealing children, and penalties, is amended and reenacted;  
5 and section fourteen-(a), section fourteen-(b), section fourteen-  
6 (c), section fourteen-(d), and section fourteen-(e), relating to  
7 the offenses of kidnapping and of threats to kidnap, accessories,  
8 venue of the offenses, and penalties, are added thereto, so as  
9 more effectually to punish kidnapping.

**ARTICLE II.**

Section 14. If any person take away, or detain against her  
2 will, a female person, with intent to marry or defile her, or to  
3 cause her to be married or defiled by another person; or take  
4 away from any person having lawful charge of her a female  
5 child under the age of sixteen years, for the purpose of prosti-  
6 tution or concubinage, he shall be guilty of a felony, and, upon  
7 conviction, shall be confined in the penitentiary not less than  
8 three nor more than ten years. And if any person, other than  
9 the father or mother, illegally, or for any unlawful, improper  
10 or immoral purpose other than the purposes stated in section  
11 fourteen-(a) of this article, seize, take or secrete a child under  
12 sixteen years of age, from the person or persons having lawful

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*James D. Boyer*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

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13 charge of such child, he shall be guilty of a felony, and, upon  
14 conviction, shall be confined in the penitentiary not less than  
15 one nor more than five years, or, in the discretion of the court,  
16 be confined in jail not exceeding one year and be fined not  
17 exceeding one thousand dollars.

Sec. 14-(a). If any person, by force, threat, duress, fraud  
2 or enticement take, confine, conceal, or decoy, inveigle or entice  
3 away, or transport into or out of this state or within this state,  
4 or otherwise kidnap any other person, for the purpose or with  
5 the intent of taking, receiving, demanding or extorting from  
6 such person, or from any other person or persons, any ransom,  
7 money or other thing, or any concession or advantage of any sort,  
8 or for the purpose or with the intent of shielding or protecting  
9 himself or others from bodily harm or of evading capture or  
10 arrest after he or they have committed a crime, he shall be  
11 guilty of a felony, and, upon conviction, shall be punished with  
12 death: *Provided*, That the jury may, in their discretion, find  
13 that he be punished by confinement in the penitentiary, and if  
14 the jury so find, he shall be punished by confinement in the  
15 penitentiary during his life: *Provided further*, That, in all  
16 cases where the person against whom the offense is committed

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*Henry A. Hyatt*

Chairman Senate Committee.

*James L. Smith*

Chairman House Committee.

17 is returned, or is permitted to return, alive, without serious  
18 bodily harm having been inflicted upon him, but after ransom,  
19 money or other thing, or any concession or advantage of any  
20 sort has been paid or yielded, the punishment shall be confine-  
21 ment in the penitentiary for any term of years not less than  
22 twenty: *Provided further*, That in all cases where the person  
23 against whom the offense is committed is returned, or is per-  
24 mitted to return, alive, without serious bodily harm having been  
25 inflicted upon him, but without ransom, money or other thing,  
26 or any concession or advantage of any sort having been paid or  
27 yielded, the punishment shall be confinement in the penitentiary  
28 for any term of years not less than ten.

Sec. 14-(b) In the case of every offense committed in viola-  
2 tion of the provisions of section fourteen and section fourteen-  
3 (a) of this article, regardless of whether the offense originated  
4 within or without this state, the venue of the offense shall lie  
5 in the county where the person was taken, or induced to go  
6 away or otherwise kidnapped, in the county where such person  
7 was held or detained, or in the county through which such per-  
8 son was conducted or transported.

Sec. 14-(c). If any person, with intent to extort from

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*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

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2 any other person any ransom, money or other thing, or any  
3 concession or advantage of any sort, shall, by speech, writing,  
4 printing, drawing or any other method or means of communica-  
5 tion, directly or indirectly threaten to take away forcibly or by  
6 stealth or otherwise kidnap any person, or shall directly or  
7 indirectly demand, orally or in writing, or by any other method  
8 or means of communication, any ransom, money or other thing,  
9 or any concession or advantage of any sort, on a threat to take  
10 away forcibly or by stealth or otherwise kidnap any person, he  
11 shall be guilty of a felony, and, upon conviction, shall be pun-  
12 ished with confinement in the penitentiary for any term of  
13 years not less than five.

Sec. 14-(d). If any person in any way knowingly aid or abet  
2 any other person in the commission of any offense described  
3 in section fourteen, section fourteen-(a), or section fourteen-(c)  
4 of this article, either as accessory before or as accessory after  
5 the fact, such person so aiding and abetting shall be guilty as  
6 a principal in the commission of such offense and shall be pun-  
7 ished in the same manner and to the same extent as is provided  
8 in said sections for the person who committed the offense. The  
9 venue of any offense committed in violation of the provisions

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*Anna A. Hyatt*

*Chairman Senate Committee.*

*James L. Smith*

*Chairman House Committee.*

10 of this section shall be as provided in section seven of article  
11 eleven of this chapter.

Sec. 14-(e). If any part or parts of section fourteen, section  
2 fourteen-(a), section fourteen-(b), section fourteen-(c) and  
3 section fourteen-(d), as herein amended or enacted, shall be  
4 held unconstitutional, such holding shall not affect the validity  
5 of the remaining portions of this act.

6 All existing provisions of law inconsistent with this act are  
7 hereby repealed.

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*James L. Smith*  
Chairman Senate Committee

*R. M. Hines*

Speaker of the House of Delegates

*Pross Hall*

Clerk of the House of Delegates

*R. M. Hines*

President of the Senate

*James L. Smith*

Clerk of the Senate

*James L. Smith*  
Chairman House Committee

The within is *approved*

this *23<sup>rd</sup>* day of *December*, 1933.

Filed in the office of the Secretary of State  
of West Virginia. **DEC 26 1933**

Wm. S. O'BRIEN,  
Secretary of State

*H. S. Camp*  
Governor

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