WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 141

(By Mr. Jane)

PASSED March 7, 1941

In Effect ninety days from Passage
AN ACT to amend and reenact section five, article two, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to indictments for embezzlement, allegations, and proof, by adding thereto, what description and proof of United States currency is sufficient in prosecutions for larceny thereof, for obtaining the same by false pretense or token, and for receiving the same knowing it to have been stolen.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 5. Indictment for Embezzlement; What Description and Proof of Money Sufficient in Prosecutions for Embezzlement, Larceny, Obtaining the Same by False
Pretense or Token; and for Receiving the Same Knowing It to Have Been Stolen.—In a prosecution against a person accused of embezzling, or fraudulently converting to his own use, bullion, money, bank notes, or other security for money, it shall be lawful, in the same indictment, to charge and thereon to proceed against the accused, for any number of distinct acts of such embezzlement or fraudulent conversion which may have been committed by him within six months from the first of the last of such acts; and it shall be sufficient to allege the embezzlement or fraudulent conversion to be of money, bullion, bank notes, or security for money without specifying the particular kind of money, bank notes, bullion or security for money, as the case may be; and such allegation, so far as it regards the description of the property, shall be sustained if the accused be proved to have embezzled or fraudulently converted to his own use, any bullion, money, bank note, or security for money, (although the particular item or thing embezzled or converted be neither alleged nor proved). And in a prosecution for the larceny of United States
currency or for obtaining United States currency by a false pretense or token, or for receiving United States currency knowing the same to have been stolen, it shall be sufficient to allege the larceny, or the obtaining thereof by a false pretense or token, or the receiving thereof knowing it to have been stolen, to be of United States currency without specifying the number and denomination thereof, and such allegation, so far as it regards the description of said United States currency shall be sustained if the accused be proved guilty of the larceny of national bank notes or United States treasury notes, certificates for either gold or silver coin, fractional coin, currency, or any other form of money issued by the United States government, or of obtaining the same by false pretense or token, or of receiving the same knowing it to have been stolen, although the particular species be not proved.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. W. M. Roun
Chairman Senate Committee

Leon Fric
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Alfred Watkins
Clerk of the Senate

J. Raliff
Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Malcolm P. Arnold
Speaker House of Delegates

The within approved this the 14th day of March, 1941.

Matthew Neely
Governor

Filed in the office of the Secretary of State of West Virginia, MAR 17, 1941

Wm. S. O'Brien,
Secretary of State