

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 144

(By Mr. Jones)



PASSED March 7 1941

In Effect ninety days from Passage

1941

ENROLLED

House Bill No. 144

(BY MR. JANES)

[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*

4 *Pretense or Token; and for Receiving the Same Knowing*
5 *It to Have Been Stolen.*—In a prosecution against a person
6 accused of embezzling, or fraudulently converting to his
7 own use, bullion, money, bank notes, or other security
8 for money, it shall be lawful, in the same indictment, to
9 charge and thereon to proceed against the accused, for
10 any number of distinct acts of such embezzlement or
11 fraudulent conversion which may have been committed
12 by him within six months from the first of the last of
13 such acts; and it shall be sufficient to allege the embezzle-
14 ment or fraudulent conversion to be of money, bullion,
15 bank notes, or security for money without specifying
16 the particular kind of money, bank notes, bullion or
17 security for money, as the case may be; and such alle-
18 gation, so far as it regards the description of the property,
19 shall be sustained if the accused be proved to have em-
20 bezzled or fraudulently converted to his own use, any
21 bullion, money, bank note, or security for money, (al-
22 though the particular item or thing embezzled or con-
23 verted be neither alleged nor proved).
24 And in a prosecution for the larceny of United States

25 currency or for obtaining United States currency by a
26 false pretense or token, or for receiving United States
27 currency knowing the same to have been stolen, it shall
28 be sufficient to allege the larceny, or the obtaining there-
29 of by a false pretense or token, or the receiving thereof
30 knowing it to have been stolen, to be of United States
31 currency without specifying the number and denomin-
32 ation thereof, and such allegation, so far as it regards
33 the description of said United States currency shall be
34 sustained if the accused be proved guilty of the larceny
35 of national bank notes or United States treasury notes,
36 certificates for either gold or silver coin, fractional coin,
37 currency, or any other form of money issued by the
38 United States government, or of obtaining the same by
39 false pretense or token, or of receiving the same know-
40 ing it to have been stolen, although the particular species
41 be not proved.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. H. McKeown
Chairman Senate Committee

Leon Rice
Chairman House Committee

Originated in the House of Delegates

Takes effect ninety days from passage.

Alfred Watkins
Clerk of the Senate

J. R. Clift
Clerk of the House of Delegates

Byron B. Randolph
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

The within Approved this the 14th
day of March, 1941

Matthew M. Neely
Governor. |



Filed in the office of the Secretary of State
of West Virginia. MAR 17 1941
Wm. S. O'BRIEN,
Secretary of State