

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

HOUSE BILL No. 121

(By Mr. Piper)



PASSED February 28 1947

In Effect from Passage

121

ENROLLED

House Bill No. 121

(By MR. PIPER)

[Passed February 29, 1947; in effect 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, as last amended and reenacted by chapter twenty-four, acts of the Legislature, regular session, one thousand nine hundred forty-one, relating to allegations in indictments, warrants, or informations.

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, as last amended and reenacted by chapter twenty-four of the acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-one, be amended and reenacted to read as follows:

Section 5. *Indictment for Embezzlement; What Description and Proof of Money Sufficient in Prosecutions*

3 for *Embezzlement, and other Crimes*.—In a prosecution
4 against a person accused of embezzling, or fraudu-
5 lently converting to his own use, bullion, money, bank
6 notes, or other security for money, it shall be lawful, in
7 the same indictment, to charge and thereon to proceed
8 against the accused, for any number of distinct acts of
9 such embezzlement or fraudulent conversion which may
10 have been committed by him within six months from the
11 first to the last of such acts; and it shall be sufficient to
12 allege the embezzlement or fraudulent conversion to be
13 of money, bullion, bank notes, or security for money with-
14 out specifying the particular kind of money, bank notes,
15 bullion or security for money, as the case may be; and
16 such allegation, so far as it regards the description of the
17 property, shall be sustained, if the accused be proved to
18 have embezzled or fraudulently converted to his own
19 use, any bullion, money, bank notes, or security for
20 money, (although the particular item or thing embezzled
21 or converted be neither alleged nor proved.)

22 And in any indictment, warrant or information in
23 which it is necessary to describe money current in this

24 state, a description of such money as "United States Cur-
25 rency" will be sufficient without specifying the number
26 and denomination thereof, and such description shall be
27 construed to mean national bank notes, United States
28 Treasury notes, Federal Reserve notes, certificates for
29 either gold or silver coin, fractional coin, currency, or any
30 other form of money issued by the United States govern-
31 ment and current as money in this state.

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

Forest L. McNew
Chairman Senate Committee

R. L. Matheson
Chairman House Committee

Originated in the House of Delegates

Takes effect from _____ passage.

Howard Hughes
Clerk of the Senate

J. A. Ship
Clerk of the House of Delegates

Donald M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 4th
day of March, 1947.

Clarence M. ...
Governor.



Filed in the Office of the Secretary of State
of West Virginia.

MAR 5 1947
Wm. S. ...
SECRETARY OF STATE