

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 352

(By Mr. BROTHERTON AND
MR. CARRIGAN)

PASSED MARCH 11, 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 4-2-71

352

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

ENROLLED

Senate Bill No. 352

(By MR. BROTHERTON and MR. CARRIGAN)

[Passed March 11, 1971; in effect ninety days from passage.]

AN ACT to amend article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-one, relating to criminal conspiracy; prohibiting any conspiracy to commit an offense against the state of West Virginia or to defraud the state of West Virginia, the state or any county board of education, or any county or municipality of the state; providing that other provisions of the code shall not be superseded, limited, repealed or affected by said section thirty-one; prohibiting certain defense; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-one, to read as follows:

ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.

§61-10-31. Conspiracy; construction of section; penalties.

1 It shall be unlawful for two or more persons to conspire
2 (1) to commit any offense against the state or (2) to
3 defraud the state, the state or any county board of
4 education, or any county or municipality of the state, if,
5 in either case, one or more of such persons does any act
6 to effect the object of the conspiracy.

7 Nothing in this section shall be construed to supersede,
8 limit, repeal or affect the provisions of section eight,
9 article nine, chapter three; section two, article one,
10 chapter five; section thirty-eight, article three, chapter
11 five-a; section seven, article seven, chapter twenty; sec-
12 tion sixteen, article six, chapter sixty; sections seven,
13 eight, nine and ten, article six, chapter sixty-one; or sec-
14 tion one, article eight, chapter sixty-two; all of this code.
15 It shall not be a defense to any prosecution under this

16 section thirty-one that the conduct charged or proven is
17 also a crime under any other provision or provisions of
18 this code or the common law.

19 Any person who violates the provisions of this section
20 by conspiring to commit an offense against the state
21 which is a felony, or by conspiring to defraud the state,
22 the state or any county board of education, or any county
23 or municipality of the state, shall be guilty of a felony,
24 and, upon conviction thereof, shall be punished by im-
25 prisonment in the penitentiary for not less than one nor
26 more than five years or by a fine of not more than ten
27 thousand dollars, or, in the discretion of the court, by both
28 such imprisonment and fine. Any person who violates the
29 provisions of this section by conspiring to commit an
30 offense against the state which is a misdemeanor shall
31 be guilty of a misdemeanor, and, upon conviction thereof,
32 shall be punished by confinement in the county jail for
33 not more than one year or by a fine of not more than
34 one thousand dollars, or, in the discretion of the court,
35 by both such confinement and fine.

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

Russell H. Bull
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Keyser
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ed Stewart
President of the Senate

Lewis T. McManes
Speaker House of Delegates

The within *approved* this the *1st*
day of *April*, 1971.

W. A. Rouse Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/71

Time 11:50 A.m.

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