WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

SENATE BILL NO. 352

(By Mr. Brotherston 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
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of education, or any county or municipality of the state; providing that other provisions of the code shall not be superseded, limited, repealed or affected by said section thirty-one; prohibiting certain defense; and providing criminal penalties.
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.**


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

Any person who violates the provisions of this section
by conspiring to commit an offense against the state
which is a felony, or by conspiring to defraud the state,
the state or any county board of education, or any county
or municipality of the state, shall be guilty of a felony,
and, upon conviction thereof, shall be punished by im-
prisonment in the penitentiary for not less than one nor
more than five years or by a fine of not more than ten
thousand dollars, or, in the discretion of the court, by both
such imprisonment and fine. Any person who violates the
provisions of this section by conspiring to commit an
offense against the state which is a misdemeanor shall
be guilty of a misdemeanor, and, upon conviction thereof,
shall be punished by confinement in the county jail for
not more than one year or by a fine of not more than
one thousand dollars, or, in the discretion of the court,
by both such confinement and fine.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

Date  3/17/71
Time  11:50 A.M.