

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 933

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

HOUSE BILL No. 933

(By Mr. Speaker, Mr. Lee, + Mr. Tompkins)



Passed April 11, 1981

In Effect Ninety Days From Passage



ENROLLED

H. B. 933

(By MR. SPEAKER, MR. SEE, AND MR. TOMPKINS)

[Passed April 11, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-four, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to obtaining money and property by false pretenses and disposing of property to defraud creditors; providing certain criminal penalties therefor; making it a crime for any person, firm or corporation to obtain labor, services or other thing of value from another by certain false pretenses, with intent to defraud; and providing criminal penalties therefor.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-24. Obtaining money, property and services by false pretenses; disposing of property to defraud creditors; penalties.

- 1 (a) If any person obtain from another, by any false pre-
- 2 tense, token or representation, with intent to defraud, money,
- 3 goods or other property which may be the subject of larceny,
- 4 or, if he obtain from another any money, goods or other
- 5 property, which may be the subject of larceny, on credit, by
- 6 representing that there is money due him, or to become due

7 him, and shall assign his claim for such money, in writing,
8 to the person from whom he shall obtain such money, goods
9 or other property, and shall afterwards collect the same
10 without the consent of such assignee, with intent to defraud,
11 he shall, in either case, be deemed guilty of larceny, and, if
12 the value of the money, goods or other property is two
13 hundred dollars or more, such person shall be guilty of a
14 felony, and, upon conviction thereof, shall be confined in
15 a penitentiary not less than one nor more than ten years, or,
16 in the discretion of the court, be confined in the county jail
17 not more than one year and shall be fined not more than five
18 hundred dollars. If the value of the money, goods or other
19 property is less than two hundred dollars, such person shall be
20 guilty of a misdemeanor, and, upon conviction thereof, shall be
21 confined in the county jail for a term not to exceed one year
22 or fined not to exceed five hundred dollars, or both, in the
23 discretion of the court. If any person obtain by any false
24 pretense, token or representation, with intent to defraud, the
25 signature of any other person to a writing, the false making
26 whereof would be forgery, such person shall be guilty of a
27 felony, and, upon conviction thereof, shall be confined in
28 the penitentiary not less than one nor more than five
29 years, or in the discretion of the court, be confined in jail
30 not more than one year and be fined not exceeding five
31 hundred dollars. And any person who shall remove any
32 of his property out of any county with intent to prevent
33 the same from being levied upon by any execution, or
34 who shall secrete, assign or convey, or otherwise dispose
35 of any of his property with intent to defraud any creditor
36 or prevent such property being made liable for payment of
37 his debts, and any person who shall receive such property,
38 with such intent, shall be deemed guilty of a misdemeanor,
39 and, upon conviction thereof, shall be fined not less than
40 twenty-five nor more than one thousand dollars and be
41 imprisoned in the county jail not exceeding one year. And
42 when the property so removed, secreted, concealed, assigned,
43 conveyed, received or otherwise disposed of, shall be worth
44 fifty dollars or less, such offense shall be tried by a magistrate
45 in the mode prescribed for the trial of other criminal offenses
46 by a magistrate: *Provided*, That upon conviction for such

47 offense before a magistrate the person so convicted shall be
48 fined not exceeding fifty dollars and confined in the county
49 jail not exceeding thirty days. But nothing in this section
50 contained shall prevent any creditor from proceeding against
51 any such fraudulent debtor as provided in article five, chapter
52 thirty-eight, and in article seven, chapter fifty-three of this
53 code, or of any other remedy in equity or at law now existing.

54 (b) If any person, firm or corporation obtain labor, services
55 or any other such thing of value from another, by any false
56 pretense, token or representation, with intent to defraud, such
57 person, firm or corporation, if the value of the labor, services
58 or any other such thing of value is two hundred dollars or
59 more, shall be guilty of a felony, and, upon conviction thereof,
60 shall be confined in a penitentiary not less than one nor
61 more than ten years, or, in the discretion of the court, be
62 confined in the county jail not more than one year and shall
63 be fined not more than five hundred dollars. If the value of
64 the labor, services or any other such thing of value is less
65 than two hundred dollars, such person, firm or corporation
66 shall be guilty of a misdemeanor, and, upon conviction
67 thereof, shall be confined in the county jail for a term not
68 to exceed one year or fined not to exceed five hundred dollars,
69 or both, in the discretion of the court.

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

R. P. Baylor

Chairman Senate Committee

Tony E. Whitlow

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Ivodd C. Winters

Clerk of the Senate

Blankenship

Clerk of the House of Delegates

W. R. [Signature]

President of the Senate

Walter H. See, Jr.

Speaker House of Delegates

The within *is approved* this the *22*
day of *April*, 1981.

[Signature]

Governor

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SECY. OF STATE