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WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1984



ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 102

(By Mr. *Boethox* and Mr. *Ack*)



PASSED March 9 1984

In Effect ninety days from Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 102**

(MR. BOETTNER AND MR. ASH, *original sponsors*)

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[Passed March 9, 1984; in effect ninety days from passage.]

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AN ACT to amend and reenact sections fourteen and fourteen-d, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said chapter by adding thereto a new section, designated section fourteen-e, all relating to the crimes of child stealing and the abduction of certain persons generally; the abduction of persons for purposes of marriage or defilement; the abduction of children for purposes of prostitution or concubinage; the abduction of children for other unlawful, improper or immoral purposes; the concealment or removal of minor child from its custodian or from a person entitled to visitation; commission of such crime in another state; setting forth defenses; aider or abettor in commission of certain crimes guilty as a principal; venue; and providing criminal penalties for such crimes.

*Be it enacted by the Legislature of West Virginia:*

That sections fourteen and fourteen-d, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article two be further amended by adding thereto a new section, designated section fourteen-e, all to read as follows:

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-14. Abduction of person; kidnapping or concealing child; penalties.**

1 (a) Any person who takes away another person, or  
2 detains another person against such person's will, with  
3 intent to marry or defile the person, or to cause the person  
4 to be married or defiled by another person; or takes away  
5 a child under the age of sixteen years from any person  
6 having lawful charge of such child, for the purpose of  
7 prostitution or concubinage, shall be guilty of a felony,  
8 and upon conviction thereof, shall be confined in the peni-  
9 tentiary not less than three nor more than ten years.

10 (b) Any person, other than the father or mother, who  
11 illegally, or for any unlawful, improper or immoral pur-  
12 pose other than the purposes stated in subsection (a) of  
13 this section or sections fourteen-a or fourteen-c of this  
14 article, seizes, takes or secretes a child under sixteen years  
15 of age, from the person or persons having lawful charge  
16 of such child, shall be guilty of a felony, and upon con-  
17 viction thereof, shall be confined in the penitentiary not  
18 less than one nor more than ten years.

**§61-2-14d. Concealment or removal of minor child from cus-  
todian or from person entitled to visitation; penal-  
ties; defenses.**

1 (a) Any person who conceals, takes or removes a minor  
2 child in violation of any court order and with the intent  
3 to deprive another person of lawful custody or visitation  
4 rights shall be guilty of a felony, and upon conviction  
5 thereof, shall be imprisoned in the penitentiary not less  
6 than one nor more than five years, or in the discretion of  
7 the court, shall be imprisoned in the county jail not more  
8 than one year or fined not more than one thousand dol-  
9 lars, or both fined and imprisoned.

10 (b) Any person who violates this section and in so  
11 doing removes the minor child from this state or conceals  
12 the minor child in another state shall be guilty of a felony,  
13 and upon conviction thereof, shall be imprisoned in the  
14 penitentiary not less than one nor more than five years

15 or fined not more than one thousand dollars, or both fined  
16 and imprisoned.

17 (c) It shall be a defense under this section that the  
18 accused reasonably believed such action was necessary to  
19 preserve the welfare of the minor child. The mere failure  
20 to return a minor child at the expiration of any lawful  
21 custody or visitation period without the intent to deprive  
22 another person of lawful custody or visitation rights shall  
23 not constitute an offense under this section.

**§61-2-14e. One aiding or abetting in offense under §61-2-14,  
§61-2-14a, §61-2-14c or §61-2-14d guilty as principal;  
venue.**

1 If any person in any way knowingly aid or abet any  
2 other person in the commission of any offense described  
3 in sections fourteen, fourteen-a, fourteen-c or fourteen-d  
4 of this article, either as accessory before or an accessory  
5 after the fact, such person so aiding and abetting shall be  
6 guilty as a principal in the commission of such offense  
7 and shall be punished in the same manner and to the  
8 same extent as is provided in said sections for the person  
9 who committed the offense. The venue of any offense  
10 committed in violation of the provisions of this section  
11 shall be as provided in section seven, article eleven of this  
12 chapter.

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

*Harrell P. Wilkins*  
Chairman Senate Committee

*Donald Anello*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Judd C. Nicks*  
Clerk of the Senate

*Donald J. Stapp*  
Clerk of the House of Delegates

*Marvin P. McLean*  
President of the Senate

*W. M. Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *30*

day of *March*, 1984.

*John R. Ryple*  
Governor

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