

HB 2348

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SENATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2348

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)
[By Request of the Executive]



Passed March 13, 1999

In Effect Ninety Days from Passage

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FOR

H. B. 2348

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)

[BY REQUEST OF THE EXECUTIVE]

[Passed March 13, 1999; in effect ninety days from passage]

AN ACT to amend and reenact section fourteen-a, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to holding a person hostage; defining terms; establishing penalties; and relating to the applicability of the statute under certain circumstances involving a family member who kidnaps or holds his or her child hostage for non-monetary reasons believing he or she is acting in the child's interest; and penalties.

Be it enacted by the Legislature of West Virginia:

That section fourteen-a, article two, 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 2. CRIMES AGAINST THE PERSON.

§61-2-14a. Penalty for enticing away, kidnapping or holding hostage any person.

1 (a) Any person who, by force, threat, duress, fraud or
2 enticement take, confine, conceal, or decoy, inveigle or entice
3 away, or transport into or out of this state or within this state, or
4 otherwise kidnap any other person, or hold hostage any other
5 person for the purpose or with the intent of taking, receiving,
6 demanding or extorting from such person, or from any other
7 person or persons, any ransom, money or other thing, or any
8 concession or advantage of any sort, or for the purpose or with
9 the intent of shielding or protecting himself, herself or others
10 from bodily harm or of evading capture or arrest after he or she
11 or they have committed a crime shall be guilty of a felony and,
12 upon conviction, shall be punished by confinement by the
13 division of corrections for life, and, notwithstanding the
14 provisions of article twelve, chapter sixty-two of this code, shall
15 not be eligible for parole: *Provided*, That the following excep-
16 tions shall apply: (1) A jury may, in their discretion, recom-
17 mend mercy, and if such recommendation is added to their
18 verdict, such person shall be eligible for parole in accordance
19 with the provisions of said article twelve; (2) if such person
20 pleads guilty, the court may, in its discretion, provide that such
21 person shall be eligible for parole in accordance with the
22 provisions of said article twelve, and, if the court so provides,
23 such person shall be eligible for parole in accordance with the
24 provisions of said article twelve in the same manner and with
25 like effect as if such person had been found guilty by the verdict
26 of a jury and the jury had recommended mercy; (3) in all cases
27 where the person against whom the offense is committed is
28 returned, or is permitted to return, alive, without bodily harm
29 having been inflicted upon him, but after ransom, money or
30 other thing, or any concession or advantage of any sort has been
31 paid or yielded, the punishment shall be confinement by the
32 division of corrections for a definite term of years not less than
33 twenty nor more than fifty; (4) in all cases where the person
34 against whom the offense is committed is returned, or is
35 permitted to return, alive, without bodily harm having been
36 inflicted upon him or her, but without ransom, money or other
37 thing, or any concession or advantage of any sort having been
38 paid or yielded, the punishment shall be confinement by the

39 division of corrections for a definite term of years not less than
40 ten nor more than thirty.

41 (b) For purposes of this section, the terms "to hold hostage"
42 means to seize or detain and threaten to kill or injure another in
43 order to compel, a third person or a governmental organization
44 to do or abstain from doing any legal act as an explicit or
45 implicit condition for the release of the person detained.

46 (c) Notwithstanding any other provision of this section, if
47 a violation of this section is committed by a family member of
48 a minor abducted or held hostage and he or she is not motivated
49 by monetary purposes, but rather intends to conceal, take,
50 remove the child or refuse to return the child to his or her
51 lawful guardian in the belief, mistaken or not, that it is in the
52 child's interest to do so, he or she shall be guilty of a felony
53 and, upon conviction thereof, be confined in a correctional
54 facility for not less than one or more than five years or fined not
55 more than one thousand dollars, or both.

56 (d) Notwithstanding any provision of this code to the
57 contrary, where a law enforcement agency of this state or a
58 political subdivision thereof receives a complaint that a
59 violation of the provisions of this section has occurred, the
60 receiving law enforcement agency shall notify any other law
61 enforcement agency with jurisdiction over the offense, includ-
62 ing but not limited to the state police and each agency so
63 notified, shall cooperate in the investigation forthwith.

Enr. Com. Sub. for H. B. 2348] 4

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

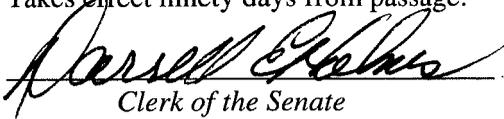

Chairman Senate Committee

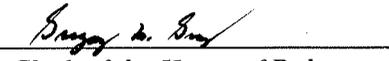


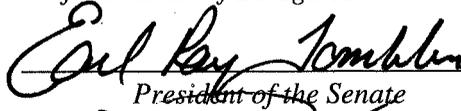
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

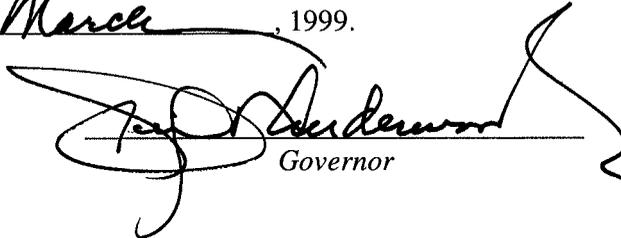

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 3/5
day of March, 1999.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/99

Time 3:32pm