

1 **Senate Bill No. 633**

2 (By Senator Wells, Yost, Barnes, Edgell, Green, Boley, Jenkins,
3 Laird and Williams)

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5 [Introduced February 17, 2012; referred to the Committee on
6 Military; and then to the Committee on the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §15-1B-27, relating
12 to authorizing the West Virginia National Guard to participate
13 in a federal asset forfeiture or sharing program; creating the
14 West Virginia National Guard Counterdrug Forfeiture Fund
15 administered by the Adjutant General; and authorizing the
16 Adjutant General to propose rules.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §15-1B-27, to read as
20 follows:

21 **ARTICLE 1B. NATIONAL GUARD.**

22 **§15-1B-27. Asset Forfeiture and Asset Sharing.**

23 (a) When the West Virginia National Guard Counterdrug Support

1 Program, established pursuant to 32 U. S. C. §112, assists or
2 supports a federal law-enforcement agency in enforcing drug laws,
3 the West Virginia National Guard Counterdrug Support Program is
4 authorized to participate in the sharing of any property seized or
5 forfeited to the United States under federal law.

6 (b) For the foregoing purposes, there is hereby created in the
7 State Treasury a special revenue account, designated the West
8 Virginia National Guard Counterdrug Forfeiture Fund which shall be
9 an interest bearing account and may be invested in accordance with
10 the provisions of article six, chapter twelve of this code, with
11 the interest income a proper credit to the fund. The fund shall
12 consist of property seized or forfeited to the United States under
13 any federal asset, forfeiture or sharing program and shared with
14 the West Virginia National Guard Counter Drug Program.
15 Expenditures from the fund shall be for facilities, equipment,
16 administrative expenses and to defray any other necessary expenses
17 incidental to and associated with the program. The Legislature may
18 appropriate and have funds deposited in the West Virginia National
19 Guard Counterdrug Forfeiture Fund as deemed necessary to carry out
20 the purposes of this section.

21 (c) The Adjutant General shall propose rules pursuant to
22 article three, chapter twenty-nine-a of this code for the operation
23 of any asset forfeiture and asset sharing program by the West
24 Virginia National Guard Counterdrug Support Program and for the

1 operation of the special revenue fund account established under
2 this article.

NOTE: The purpose of this bill is to allow the West Virginia National Guard to participate in federal asset forfeiture or sharing programs.

This section is new; therefore, strike-throughs and underscoring have been omitted.