

COMMITTEE SUBSTITUTE

FOR

H. B. 4601

(BY DELEGATES IAQUINTA, SWARTZMILLER,
LONGSTRETH, PETHTEL, FLEISCHAUER, PASDON,
NELSON, STAGGERS, PAXTON AND SMITH)

(Originating in the Committee on Finance)
[February 23, 2012]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1B. NATIONAL GUARD.

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

1 (a) The West Virginia National Guard is authorized to
2 participate in asset forfeiture and seizure programs
3 established by the United States government relating to drug
4 interdiction and counter-drug activities, pursuant to the
5 provisions of 32 U. S. C. §112.

6 (b) (1) There is hereby created in the State Treasury a
7 special revenue account, designated the West Virginia
8 National Guard Counterdrug Forfeiture Fund which shall be
9 administered by the Adjutant General.

10 (2) Any balance in the account at the end of the fiscal
11 year shall not revert to the general revenue fund but shall
12 remain in the account, and be expended as provided in this
13 section. The fund shall consist of property seized or forfeited
14 to the United States under any federal asset, forfeiture or
15 sharing program and shared with the West Virginia National
16 Guard Counter Drug Program.

17 (3) Expenditures from the fund shall be for the purposes
18 set forth in this section and are not authorized from
19 collections, but are to be made only in accordance with
20 appropriation by the Legislature and in accordance with the
21 provisions of article three, chapter twelve of this code and
22 upon the fulfillment of the provisions set forth in article two,
23 chapter eleven-b of this code: *Provided*, that for fiscal year
24 ending June 30, 2013, expenditures are authorized from
25 collections rather than pursuant to an appropriation by the
26 Legislature. Expenditures from the fund shall be for facilities,
27 equipment, administrative expenses and to defray any other
28 necessary expenses incidental to and associated with the
29 program.

30 (4) The Legislature may appropriate and have funds
31 deposited in the West Virginia National Guard Conterdrug
32 Forfeiture Fund to carry out the purposes of this section.

33 (c) The Adjutant General shall propose rules pursuant to
34 article three, chapter twenty-nine-a of this code for the
35 operation of any asset forfeiture and asset sharing program by

- 36 the West Virginia National Guard Counterdrug Support
37 Program and for the operation of the special revenue fund
38 account established under this section.