

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2836**

4
5 (By Delegates Boggs, White, Lane and Ellem)

6 (Originating in the Committee on the Judiciary)

7
8 [March 29, 2013]

9
10 A BILL to amend and reenact §4-5-2 of the Code of West Virginia,
11 1931, as amended, relating to the Commission on Special
12 Investigations generally; granting certain commission
13 personnel the right to carry firearms in the course of their
14 employment; establishing minimum training and certification
15 requirements for such personnel; requiring such personnel to
16 secure a license to carry a concealed weapon in accordance
17 with the provisions of article seven, chapter sixty-one of
18 this code.

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

20 That §4-5-2 of the Code of West Virginia, 1931, as amended, be
21 amended and reenacted to read as follows:

22 **ARTICLE 5. COMMISSION ON SPECIAL INVESTIGATIONS.**

23 **§4-5-2. Powers and duties generally.**

24 **(a)** The Commission on Special Investigations shall have the
25 power, duty and responsibility, upon a majority vote of the members

1 appointed, to:

2 (1) Conduct a comprehensive and detailed investigation into
3 the purchasing practices and procedures of the state;

4 (2) Determine if there is reason to believe that the laws or
5 public policy of the state in connection with purchasing practices
6 and procedures have been violated or are inadequate;

7 (3) Determine if any criminal or civil statutes relating to
8 the purchasing practices and procedures in this state are necessary
9 to protect and control the expenditures of money by the state;

10 (4) Investigate or examine any matter involving conflicts of
11 interest, bribery of state officials, malfeasance, misfeasance or
12 nonfeasance in office by any employee or officer of the state;

13 (5) Conduct comprehensive and detailed investigations to
14 determine if any criminal or civil statutes have been violated at
15 any level of state government;

16 (6) Determine whether to recommend criminal prosecution or
17 civil action for any violation, either criminal or civil, at any
18 level of state government and, if it is determined that action is
19 necessary, to make appropriate recommendation to the Attorney
20 General, prosecuting attorney or other authority empowered to act
21 on such recommendation; and

22 (7) Make such written reports to the members of the
23 Legislature between sessions thereof as the commission may deem
24 advisable and on the first day of each regular session of the
25 Legislature make an annual report to the Legislature containing the
26 commission's findings and recommendations including in such report

1 drafts of any proposed legislation which it deems necessary to
2 carry such recommendations into effect.

3 (b) The commission is also expressly empowered and authorized
4 to:

5 (1) Sit during any recess of the Senate and House of
6 Delegates;

7 (2) Recommend to the judge of any circuit court that a grand
8 jury be convened pursuant to the provisions of section fourteen,
9 article two, chapter fifty-two of this code, to consider any matter
10 which the commission may deem in the public interest and, in
11 support thereof, make available to such court and such grand jury
12 the contents of any reports, files, transcripts of hearings or
13 other evidence pertinent thereto;

14 (3) Employ such legal, technical, investigative, clerical,
15 stenographic, advisory and other personnel as it deems needed and,
16 within the appropriation herein specified, fix reasonable
17 compensation of such persons and firms as may be employed:
18 *Provided*, That such personnel as the commission may determine shall
19 have the authority to administer oaths and take affidavits and
20 depositions anywhere in the state.

21 (4) Consult and confer with all persons and agencies, public
22 (whether federal, state or local) and private, that have
23 information and data pertinent to an investigation; and all state
24 and local governmental personnel and agencies shall cooperate to
25 the fullest extent with the commission;

26 (5) Call upon any department or agency of state or local

1 government for such services, information and assistance as it may
2 deem advisable; and

3 (6) Refer such matters as are appropriate to the office of the
4 United States attorney and cooperate with such office in the
5 disposition of matters so referred.

6 (c) Notwithstanding any provision of this code to the
7 contrary, specific personnel may be designated by the commission to
8 carry a firearm in the course of performing his or her official
9 duties: Provided, That as a precondition of being authorized to
10 carry a concealed weapon in the course of their official duties,
11 any such designated personnel must have first successfully completed
12 a firearms training and certification program which is equivalent
13 to that which is required of members of the state police. The
14 designated persons must also possess a license to carry a concealed
15 deadly weapon in the manner prescribed in article seven, chapter
16 sixty-one of this code.