

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 267**

5 (By Senators Palumbo, Kessler (Mr. President), Cookman and  
6 Fitzsimmons)

7 \_\_\_\_\_  
8 [Originating in the Committee on the Judiciary;  
9 reported January 29, 2014.]  
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11  
12 A BILL to amend and reenact §6-9-2c of the Code of West Virginia,  
13 1931, as amended; and to amend and reenact §12-3-10b of said  
14 code, all relating to fraudulent or unauthorized use of  
15 purchasing cards; ensuring that the courts of West Virginia  
16 have jurisdiction over fraudulent or unauthorized use of  
17 purchasing cards; establishing jurisdiction; and defining the  
18 conduct as a continuing offense.

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

20 That §6-9-2c of the Code of West Virginia, 1931, as amended,  
21 be amended and reenacted; and that §12-3-10b of said code be  
22 amended and reenacted, all to read as follows:

23 **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

24 **ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.**

25 **§6-9-2c. Fraudulent or unauthorized use of purchasing card**

1                   **prohibited; penalties.**

2           It is unlawful for any person to use a local government  
3 purchasing card, issued in accordance with the provisions of  
4 section two-a of this article, to make any purchase of goods or  
5 services in a manner which is contrary to the provisions of section  
6 two-a of this article or the rules promulgated pursuant to that  
7 section: Provided, That such action is a continuing offense  
8 beginning when the purchasing card is issued or obtained by the  
9 person and that jurisdiction to prosecute rests with any county  
10 where the card was issued, obtained, used fraudulently, used  
11 without authorization or where any substantial or material element  
12 of the offense occurred. Any person who violates the provisions of  
13 this section is guilty of a felony and, upon conviction thereof,  
14 shall be confined in a state correctional facility not less than  
15 one year nor more than five years, or fined no more than \$5,000, or  
16 both fined and imprisoned.

17                   **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

18 **ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.**

19 **§12-3-10b. Fraudulent or unauthorized use of purchasing card**  
20                   **prohibited; penalties.**

21           It is unlawful for any person to use a state purchase card,  
22 issued in accordance with the provisions of section ten-a of this  
23 article, to make any purchase of goods or services in a manner  
24 which is contrary to the provisions of section ten-a of this  
25 article or the rules promulgated pursuant to that section:

1 Provided, That such action is a continuing offense beginning when  
2 the purchasing card is issued or obtained by the person and that  
3 jurisdiction to prosecute rests with any county where the card was  
4 issued, obtained, used fraudulently, used without authorization or  
5 where any substantial or material element of the offense occurred.

6 Any person who violates the provisions of this section is guilty of  
7 a felony and, upon conviction thereof, shall be imprisoned in the  
8 penitentiary not less than one year nor more than five years, or  
9 fined no more than \$5,000, or both fined and imprisoned.