

Senate Bill No. 267

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

[Introduced January 8, 2014; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

A BILL to amend and reenact §6-9-2c of the Code of West Virginia,
1931, as amended; and to amend and reenact §12-3-10b of said
code, all relating to fraudulent or unauthorized use of
purchasing cards; ensuring that the courts of West Virginia
have jurisdiction over fraudulent or unauthorized use of
purchasing cards; defining the conduct as a continuing
offense; and establishing jurisdiction.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.

1 **§6-9-2c. Fraudulent or unauthorized use of purchasing card**
 2 **prohibited; penalties.**

3 It is unlawful for any person to use a local government
 4 purchasing card, issued in accordance with the provisions of
 5 section two-a of this article, to make any purchase of goods or
 6 services in a manner which is contrary to the provisions of section
 7 two-a of this article or the rules promulgated pursuant to that
 8 section: Provided, That such action is a continuing offense
 9 beginning when the purchasing card is issued or obtained by the
 10 person and any county where a substantial or material element of
 11 the offense occurred has jurisdiction to prosecute the offense. Any
 12 person who violates the provisions of this section is guilty of a
 13 felony and, upon conviction thereof, shall be confined in a state
 14 correctional facility not less than one year nor more than five
 15 years, or fined no more than \$5,000, or both fined and imprisoned.

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

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

18 **§12-3-10b. Fraudulent or unauthorized use of purchasing card**
 19 **prohibited; penalties.**

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

1 article or the rules promulgated pursuant to that section:
2 Provided, That such action is a continuing offense beginning when
3 the purchasing card is issued or obtained by the person and any
4 county where a substantial or material element of the offense
5 occurred has jurisdiction to prosecute the offense. Any person who
6 violates the provisions of this section is guilty of a felony and,
7 upon conviction thereof, shall be ~~confined~~ imprisoned in ~~the~~
8 ~~penitentiary~~ a state correctional facility not less than one nor
9 more than five years, or fined no more than \$5,000, or both fined
10 and imprisoned.

NOTE: The purpose of this bill is to ensure that state courts have jurisdiction to prosecute fraudulent or unauthorized uses of purchasing cards.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.