

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4279

(BY DELEGATES HAMILTON, A. EVANS, ROMINE, WAGNER,

AMBLER, ELDRIDGE, PETHTEL, SPONAUGLE

AND GUTHRIE)

[Passed March 7, 2016; in effect ninety days from passage.]

1 AN ACT to amend and reenact §20-7-8 of the Code of West Virginia, 1931, as amended, relating
2 to maintenance and disposition of impounded and seized firearms by the Division of
3 Natural Resources.

Be it enacted by the Legislature of West Virginia:

1 That §20-7-8 of the Code of West Virginia, 1931, be amended and reenacted to read as
2 follows:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-8. Seizure and disposition of property used for illegal purpose.

1 (a) Any officer, when he or she arrests or otherwise takes a person into custody for
2 violating any provision or provisions of this chapter, may take and impound any property found in
3 the possession of the accused and susceptible of use in committing the offense of which the
4 person is accused. The property includes firearms, fishing equipment, traps, boats, or any other
5 device, appliance or conveyance, but does not include dogs. Reasonable care shall be provided
6 in order to protect the condition of the item or items impounded.

7 (b) If the accused is acquitted the property seized shall be returned. If the accused is
8 convicted and pays the fine, costs and other penalties, the property shall be returned, but if the
9 accused fails to pay the fine and costs, the property shall be sold at public auction in a manner
10 the director prescribes. The proceeds of the sale shall be applied toward the payment of the fine
11 and costs. The remainder, if any, shall be paid to the owner of the seized property.

12 (c) Whenever a person is convicted of a violation of this chapter a second time, the
13 property seized at the time of arrest shall in any case be declared forfeited to the state and shall
14 be sold in the manner provided by this section.

15 (d) Property seized, the use of which is forbidden by this chapter, or which is unfit or unsafe
16 for further use, shall be declared forfeited to the state and shall be disposed of by the director.

17 (e) Notwithstanding any provision of this section to the contrary, disposition of firearms not
18 returned pursuant to subsection (b) above shall be solely in accordance with the provisions of
19 article eight-a, chapter thirty-six of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2016.

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Governor