

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4636**

(BY DELEGATE SHOTT)

[Originating in the Committee on the Judiciary;

February 23, 2016.]



1 A BILL to amend and reenact §6C-1-6 of the Code of West Virginia, 1931, as amended, relating  
2 to increasing the penalties for violating the Whistle-blower Law; increasing the civil fine;  
3 removing the authority of the Court to suspend a person from public service; authorizing  
4 discipline by the person's employer upon a finding of violation by the Court; and  
5 authorizing termination from employment as a potential discipline.

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

1 That §6C-1-6 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 1. WHISTLE-BLOWER LAW.**

**§6C-1-6. Civil penalty; ~~suspension~~ termination from public service.**

1 (a) A person who, as an employer or under color of an employer's authority, violates this  
2 article is liable for a civil fine of not more than ~~\$500~~ \$5,000. ~~Additionally, except where the person~~  
3 ~~holds a public office by election or appointment, if the court specifically finds that the person, while~~  
4 ~~in the employment of the state or a political subdivision, committed a violation of section three of~~  
5 ~~this article with the intent to discourage the disclosure of information, the court may order the~~  
6 ~~person's suspension from public service for not more than six months.~~ A civil fine which is  
7 collected under this section shall be paid to the state Treasurer for deposit into the General Fund.

8 (b) In addition to subsection (a) of this section, and notwithstanding any provision in this  
9 code to the contrary, if the court specifically finds that the person, while in the employment of a  
10 public body, committed a violation of section three of this article with the intent to discourage the  
11 disclosure of information, the person may be disciplined by the public body up to and including  
12 termination from employment.

NOTE: The purpose of this bill is to increase the penalties for violating the Whistle-blower Law. The bill additional authorizes the termination from employment for a violation, instead of the current allowance of a suspension not to exceed six months.

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