

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 492

FISCAL
NOTE

BY SENATORS HALL, PLYMALE AND BOSO

[Introduced February 3, 2016;

Referred to the Committee on Finance.]

1 A BILL to amend and reenact §15-2-4 of the Code of West Virginia, 1931, as amended, relating
 2 to establishing a fee schedule; and collecting fees for recovering costs associated with the
 3 West Virginia State Police Forensic Laboratory providing forensic service to all law-
 4 enforcement agencies.

Be it enacted by the Legislature of West Virginia:

1 That §15-2-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

**§15-2-4. Appointment of commissioned officers, noncommissioned officers, other
 members; temporary and permanent positions; special revenue account.**

1 (a) The superintendent shall appoint, from the enlisted membership of the State Police, a
 2 deputy superintendent who shall hold the rank of lieutenant colonel and be next in authority to the
 3 superintendent. The superintendent shall appoint, from the enlisted membership of the State
 4 Police, the number of other officers and members he or she considers necessary to operate and
 5 maintain the executive offices, training school and forensic laboratory; and to keep records
 6 relating to crimes and criminals, coordinate traffic safety activities, maintain a system of supplies
 7 and accounting and perform other necessary services.

8 (b) The ranks within the membership of the State Police shall be colonel, lieutenant
 9 colonel, major, captain, first lieutenant, second lieutenant, first sergeant, sergeant, corporal,
 10 trooper first class, senior trooper, trooper or cadet trooper. Each member while in uniform shall
 11 wear the insignia of rank as provided by law and written State Police policies. Members assigned
 12 to the forensic laboratory shall hold the title of trooper, be classified as criminalists and wear the
 13 insignia of classification as provided by written State Police policies.

14 The superintendent may appoint from the membership of the State Police nineteen
 15 principal supervisors who shall receive the compensation and hold the temporary rank of
 16 lieutenant colonel, major or captain at the will and pleasure of the superintendent. The

17 superintendent may also appoint from the membership of the executive protection section of the
18 State Police two additional supervisors who shall receive the compensation and hold the
19 temporary rank of first lieutenant and serve at the will and pleasure of the superintendent.
20 Appointments are exempt from any eligibility requirements established by the career progression
21 system: *Provided*, That any member appointed from within the executive protection section of the
22 State Police to the temporary rank of first lieutenant must have completed a minimum of two years
23 service within the executive protection section prior to becoming eligible for such appointment.
24 Any person appointed to a temporary rank under the provisions of this article remains eligible for
25 promotion or reclassification under the provisions of the career progression system if his or her
26 permanent rank is below that of first lieutenant. Upon the termination of a temporary appointment
27 by the superintendent, the member may not be reduced to a rank or classification below his or
28 her permanent rank or classification, unless the reduction results from disciplinary action, and
29 remains eligible for subsequent appointment to a temporary rank.

30 (c) There is created in the State Treasury a special revenue account, which is an interest
31 bearing account, to be known as the Forensic Laboratory Cost Recovery Fund. The
32 superintendent may establish a fee schedule and collect fees to recover costs associated with
33 the West Virginia State Police Forensic Laboratory for forensic services rendered. The moneys
34 collected shall be placed in a special revenue account for costs associated with forensic services,
35 any appropriations that may be made by the Legislature, income from the investment of moneys
36 held in the special revenue account and all other sums available for deposit to the special revenue
37 account from any source, public or private. No expenditures for purposes of this section are
38 authorized from collections except in accordance with the provisions of article three, chapter
39 twelve of this code and upon fulfillment of the provisions set forth in article two, chapter eleven-b
40 of this code. Any balance remaining in the special revenue account at the end of any state fiscal
41 year does not revert to the General Revenue Fund but remains in the special revenue account
42 and shall be used solely in a manner consistent with this article. The superintendent is authorized

43 to expend funds from the account to offset operational and training costs; for building maintenance
44 and repair, for purchases and for equipment repair or replacement of equipment, software and
45 maintenance of software, personal services; and to defray necessary expenses incidental to those
46 and other activities associated with the forensic laboratory.

NOTE: The purpose of this bill is to allow the superintendent of the State Police to establish a fee schedule and collect fees for forensic services.

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