

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4279

BY DELEGATES HAMILTON, A. EVANS, ROMINE, WAGNER,
AMBLER, ELDRIDGE, PETHEL, SPONAUGLE AND GUTHRIE

[Introduced January 26, 2016; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §20-7-8 of the Code of West Virginia, 1931, as amended, relating
2 to disposition of seized firearms.

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, ~~is hereby also authorized and empowered to~~
3 may take and impound any property found in the possession of the accused and susceptible of
4 use in committing the offense of which the person is accused. ~~Such~~ The property ~~shall include~~
5 includes firearms, fishing equipment, traps, boats, or any other device, appliance or conveyance,
6 but ~~shall~~ does not include dogs.

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 ~~such a~~ a
10 manner ~~as the director may prescribe~~ prescribes. The proceeds of the sale shall be applied toward
11 the payment of the fine and costs. The remainder, if any, shall be paid to the owner of the seized
12 property.

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

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

18 (e) Notwithstanding any provision of this section to the contrary, disposition of firearms
19 shall be solely in accordance with the provisions of article eight-a, chapter thirty-six of this code.

NOTE: The purpose of this bill is to clarify that firearms seized and forfeited under chapter 20 of the code are to be disposed of in accordance with article 8A, chapter 36 of the code.

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