

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2939

BY DELEGATE HAMILTON

[Passed April 5, 2017; in effect ninety days from passage.]

1 AN ACT to amend and reenact §15-2-17 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §15-2E-3 and §15-2E-5 of said code, all relating to the sale of items
3 in the State Police Academy post exchange to the public.

Be it enacted by the Legislature of West Virginia:

1 That §15-2-17 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; that §15-2E-3 and §15-2E-5 of said code be amended and reenacted, all to read as
3 follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-17. Unauthorized use of uniform, badge or other insignia; impersonation of member; penalty.

1 Every person who is not a member of the department is hereby forbidden to wear, use,
2 order to be used or worn, copy or imitate in any respect or manner the uniform, badge, insignia
3 and equipment prescribed for members of the West Virginia State Police, and any person who
4 shall violate the provisions of this article, for which no other penalty is expressly provided, and
5 any person who shall falsely represent himself or herself to be an officer or member of the West
6 Virginia State Police, or to be under the order or direction of any officer or member of said
7 department, or who shall, unless an officer or member thereof, wear the uniform prescribed for
8 members of said department, or the badge or other insignia adopted or used by said department,
9 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$200,
10 or confined in the county jail for not more than six months, or both fined and confined: *Provided,*
11 That items sold at the State Police post exchange as outlined in article two-e of this chapter do
12 not qualify as agency issued uniforms, badge, insignia or equipment.

ARTICLE 2E. STATE POLICE ACADEMY POST EXCHANGE.

§15-2E-3. Operation of post exchange.

1 (a) The State Police post exchange may offer items for sale as approved by the
2 superintendent.

3 (b) The post exchange may only be open at such times as may be established by the
4 superintendent.

5 (c) The superintendent shall appoint state police employees to supervise the operation of
6 the post exchange.

7 (d) The superintendent shall establish a system of bookkeeping, accounting and auditing
8 procedures for the proper handling of funds derived from the operation of the post exchange.

9 (e) The superintendent shall post a sign in the post exchange which states: "In accordance
10 with the provisions of section seventeen, article two, chapter fifteen of the code, it is unlawful for
11 every person who is not a member of the State Police to wear or use the State Police uniform,
12 badge, emblem or other insignia. Any person, who is not a member of the State Police, who wears
13 or uses the State Police uniform, badge, emblem or other insignia shall be guilty of a misdemeanor
14 and, upon conviction thereof, shall be fined or jailed or both fined and jailed".

§15-2E-5. Use of funds from post exchange revenue.

1 All proceeds derived from the operation of the post exchange and any money derived from
2 the operation of vending machines, after the payment of operating expenses, notwithstanding any
3 provision of this code to the contrary, must be used exclusively for the publication of the cadet
4 class yearbook, capital outlay, equipment and for repair and alteration of the State Police
5 academy.

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, 2017.

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Governor