

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2006**

BY DELEGATES SHOTT, MR. SPEAKER (MR. ARMSTEAD),

HANSHAW, SOBONYA, ATKINSON, HILL, FLEISCHAUER,

PUSHKIN, LOVEJOY AND CANESTRARO

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



1 AN ACT 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 clarifying that the civil fine is a personal liability; removing the authority of the court to  
4 suspend a person from public service; authorizing a Court's finding of a violation to be  
5 deemed a finding of official misconduct and malfeasance in office; providing that a court  
6 finding of a violation may be relied upon as admissible evidence in any subsequent  
7 proceeding or petition to remove the person from public office; authorizing a Court's finding  
8 of a violation to be relied upon by the public body as a basis to impose discipline upon an  
9 employee; and clarifying that a civil action, civil penalty or a court finding under this section  
10 is not a condition or prerequisite for a public body to take disciplinary action.

*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; 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 personally liable for a civil fine of not more than \$5,000. A civil fine which is collected  
3 under this section shall be paid to the State Treasurer for deposit into the General Fund.

4 (b) In addition to subsection (a) of this section, and notwithstanding any provision in this  
5 code to the contrary, if the court specifically finds that the person, while in the employment of a  
6 public body, committed a violation of section three of this article with the intent to discourage the  
7 disclosure of information, such finding: (1) shall be deemed a finding of official misconduct and  
8 malfeasance in office, and may be relied upon as admissible evidence in any subsequent  
9 proceeding or petition to remove the person from public office; and (2) may be relied upon by the  
10 public body as a basis to discipline the person, including, but not limited to, termination from  
11 employment: *Provided*, That nothing shall be construed as requiring a civil action, civil penalty or

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- 12 a court finding under this section as a condition or prerequisite for a public body to take disciplinary
- 13 action against the person.

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*

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The within ..... this the.....  
day of ....., 2017.

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*Governor*