

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2939

**FISCAL
NOTE**

BY DELEGATE HAMILTON

[Introduced March 13, 2017; Referred
to the Committee on Government Organization then
the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

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

2 by the superintendent. ~~to persons attending training at the State Police academy, to persons~~
3 ~~actively employed by the State Police and to persons retired from employment with the State~~
4 ~~Police~~

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

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

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

11 (e) The superintendent shall post a sign in the post exchange which states: "In accordance
12 with the provisions of section seventeen, article two, chapter fifteen of the code, it is unlawful for
13 every person who is not a member of the State Police to wear or use the State Police uniform,
14 badge, emblem or other insignia. Any person, who is not a member of the State Police, who wears
15 or uses the State Police uniform, badge, emblem or other insignia shall be guilty of a misdemeanor
16 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.

NOTE: The purpose of this bill is to allow the superintendent the ability to expand the sale of items from the post exchange to the general public.

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