

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4502**

BY DELEGATES BARRETT, KESSINGER, MOORE, SOBONYA, R.

MILLER, LOVEJOY, CANESTRARO AND HARSHBARGER

[Passed March 7, 2018; in effect ninety days from passage.]



1 AN ACT to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended,  
2 relating to including treason, murder, certain degrees of robbery, certain felony sexual  
3 offenses, and organized criminal activity to the list of offenses for which a prosecutor may  
4 apply for an order authorizing interception of communications.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.**

**§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for  
order authorizing interception.**

1 The prosecuting attorney of any county or duly appointed special prosecutor may apply to  
2 one of the designated circuit judges referred to in §62-1D-7 of this code and the judge, in  
3 accordance with the provisions of this article, may grant an order authorizing the interception of  
4 wire, oral, or electronic communications by an officer of the investigative or law-enforcement  
5 agency when the prosecuting attorney or special prosecutor has shown reasonable cause to  
6 believe the interception would provide evidence of the commission of: (1) Kidnapping or abduction  
7 as defined and prohibited by the provisions of §61-2-14 and §61-2-14a of this code and including  
8 threats to kidnap or demand ransom as defined and prohibited by the provisions of §61-2-14c of  
9 this code; (2) any offense included and prohibited by §25-4-11 of said code, §61-5-8, §61-5-9 and  
10 §61-5-10 or §62-8-1 of this code to the extent that any of said sections provide for offenses  
11 punishable as a felony; (3) felony violations of §60A-1-101 *et seq.* of this code; (4) violations of  
12 §61-14-1 *et seq.* of this code; (5) violations of §61-2-1 of this code; (6) violations of §61-2-12 of  
13 this code; (7) felony violations of §61-8B-1 *et seq.* of this code; (8) violations of §61-1-1 of this  
14 code; (9) violations of §61-13-3 of this code; or (10) any aider or abettor to any of the offenses  
15 referenced in this section or any conspiracy to commit any of the offenses referenced in this  
16 section if any aider, abettor, or conspirator is a party to the communication to be intercepted.



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 ....., 2018.

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*Governor*