

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

House Bill 4502

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[Reported February 19, 2018; Referred to the
Committee on the Judiciary.]

1 A BILL to amend and reenact §62-1D-8 of the Code of West Virginia, as amended, relating to
2 adding murder, armed robbery, sex crimes, treason, and organized crimes to the list of
3 offenses for which a prosecutor may apply for an order authorizing interception.

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 section seven of this article and such 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: (i) Kidnapping or abduction
7 as defined and prohibited by the provisions of sections fourteen and fourteen-a, article two,
8 chapter sixty-one of this code and including threats to kidnap or demand ransom as defined and
9 prohibited by the provisions of section fourteen-c of said article two; (ii) of any offense included
10 and prohibited by section eleven, article four, chapter twenty-five of said code, sections eight, nine
11 and ten, article five, chapter sixty-one of said code or section one, article eight, chapter sixty-two
12 of said code to the extent that any of said sections provide for offenses punishable as a felony;
13 (iii) dealing, transferring or trafficking in any controlled substance or substances in the felonious
14 violation of chapter sixty-a of this code; (iv) of any offense included and prohibited by article
15 fourteen, chapter sixty-one of this code; (v) of any offense included and prohibited by section one,
16 article two, chapter sixty-one of this code; (vi) of any offense included and prohibited by section
17 twelve, article two, chapter sixty-one of this code; (vii) any offense included and prohibited in the
18 felonious violation of article eight-b, chapter sixty-one of this code; (viii) treason, as defined in
19 section one, article one, chapter sixty-one of this code; (ix) organized crime, as defined in section

- 20 ~~three, article thirteen, chapter sixty-one of this code;~~ or (x) any aider or abettor to any of the
21 foregoing offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor
22 or conspirator is a party to the communication to be intercepted.

NOTE: The purpose of this bill is to add murder, armed robbery, sex crimes, treason, and organized crimes to the list for which a prosecutor could apply for an order authorizing interception.

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