

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 348

SENATOR MAYNARD, *original sponsor*

[Passed March 2, 2018; in effect 90 days from passage]

1 AN ACT to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as
2 amended, all relating to awarding service weapons to natural resources police officers and
3 special natural resources police officers upon retirement; modifying terms to reference
4 weapons rather than revolvers; modifying provisions relating to the disposal of service
5 weapons when they are replaced due to routine wear; exempting weapons replaced due
6 to routine wear from surplus property provisions; authorizing the sale of service weapons
7 that are being replaced due to routine wear to special natural resources police officers at
8 fair market value; and providing that the provisions of these sections do not apply to
9 weapons obtained through the federal donation program operated by the West Virginia
10 State Agency for Surplus Property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-1d. Awarding service weapon upon retirement; disposal of service weapon when replaced due to routine wear; and furnishing uniform for burial.

1 (a) Upon the retirement of any full-time salaried natural resources police officer, the chief
2 natural resources police officer shall award to the retiring natural resources police officer his or
3 her service weapon, without charge, upon determining:

4 (1) That the natural resources police officer is retiring honorably with at least 25 years of
5 recognized law-enforcement service as determined by the chief natural resources police officer;
6 or

7 (2) That the natural resources police officer is retiring with less than 25 years of service
8 based upon a determination that he or she is totally physically disabled as a result of service with
9 the division.

10 (b) Notwithstanding the provisions of §20-7-1d(a) of this code, the chief natural resources
11 police officer may not award a service weapon to any natural resources police officer who has
12 been declared mentally incompetent by a licensed physician or any court of law, or who, in the

13 opinion of the chief natural resources police officer, constitutes a danger to any person or the
14 community.

15 (c) The disposal of law-enforcement service weapons, when replaced due to routine wear,
16 does not fall under the jurisdiction of the agency for surplus property, within the Purchasing
17 Division of the Department of Administration. The chief natural resources police officer may offer
18 these surplus weapons for sale to any active or retired Division of Natural Resources law-
19 enforcement officer, at fair market value, with the proceeds from any sales used to offset the cost
20 of the new weapons.

21 (d) Upon the death of any current or honorably retired natural resources police officer, the
22 chief natural resources police officer shall, upon request of the deceased officer's family, furnish
23 a full uniform for burial of the deceased officer.

24 (e) Notwithstanding the foregoing, this section does not apply to weapons obtained
25 through the federal donation program operated by the West Virginia State Agency for Surplus
26 Property.

**§20-7-1f. Awarding service weapon to special natural resources police officers upon
retirement; disposal of service weapon when replaced due to routine wear;
furnishing uniform for burial.**

1 (a) Upon the retirement of any special natural resources police officer selected and
2 appointed pursuant to §20-7-1 of this code, the chief of the officer's section shall award to the
3 retiring special natural resources police officer his or her service weapon, without charge, upon
4 determining:

5 (1) That the special natural resources police officer is retiring honorably with at least 25
6 years of recognized special law enforcement service as determined by the chief natural resources
7 police officer; or

8 (2) That the special natural resources police officer is retiring with less than 25 years of
9 service based upon a determination that he or she is totally physically disabled as a result of
10 service with the division.

11 (b) Notwithstanding the provisions of §20-7-1f(a) of this code, the section chief may not
12 award a service weapon to any special natural resources police officer who has been declared
13 mentally incompetent by a licensed physician or any court of law, or who, in the opinion of the
14 chief natural resources police officer constitutes a danger to any person or the community.

15 (c) Upon the death of any current or honorably retired special natural resources police
16 officer, the respective chief shall, upon request of the deceased officer's family, furnish a full
17 uniform for burial of the deceased officer.

18 (d) The disposal of special natural resources police officer service weapons, when
19 replaced due to routine wear, does not fall under the jurisdiction of the agency for surplus property,
20 within the Division of Purchasing of the Department of Administration. The chief of the section of
21 Parks and Recreation and the chief of the Wildlife Resources Section of the Division of Natural
22 Resources may offer these surplus weapons for sale to any active or retired special natural
23 resources police officer, at fair market value, with the proceeds from any sales used to offset the
24 cost of the new weapon.

25 (e) Notwithstanding the foregoing, this section does not apply to weapons obtained
26 through the federal donation program operated by the West Virginia State Agency for Surplus
27 Property.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2018.

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Governor