

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4185

FISCAL
NOTE

BY DELEGATES HAMILTON, R. ROMINE, A. EVANS,
ROWAN, AMBLER, HARSHBARGER, COOPER, STATLER,
ELDRIDGE, RODIGHIERO AND CAMPBELL

[Introduced January 18, 2018; Referred
to the Committee on Agriculture and Natural
Resources then the Judiciary.]

1 A BILL 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 special natural resources police
 3 officers upon retirement; disposal of service weapon when replaced due to routine wear;
 4 and furnishing uniform for burial.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

**§20-7-1d. Awarding service ~~revolver~~ 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 ~~revolver~~ 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 subsection (a) of this section, the chief natural
 11 resources police officer may not award a service revolver to any natural resources police officer
 12 who has been declared mentally incompetent by a licensed physician or any court of law, or who,
 13 in the opinion of the chief natural resources police officer, constitutes a danger to any person or
 14 the 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 honorable honorably retired natural resources police
22 officer, the chief natural resources police officer shall, upon request of the deceased officer's
23 family, furnish a full uniform for burial of the deceased officer.

**§20-7-1f. Awarding service ~~revolver~~ 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, the chief of the officer's section shall award to the retiring special
3 natural resources police officer his or her service revolver, without charge, upon determining:

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

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

10 (b) Notwithstanding the provisions of subsection (a) of this section, the section chief may
11 not award a service revolver to any special natural resources police officer who has been declared
12 mentally incompetent by a licensed physician or any court of law, or who, in the opinion of the
13 chief natural resources police officer constitutes a danger to any person or the community.

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

17 (d) The disposal of special natural resources police officer service weapons, when
18 replaced due to routine wear, does not fall under the jurisdiction of the agency for surplus property,

19 within the Division of Purchasing of the Department of Administration. The chief of the section of
20 Parks and Recreation and the chief of the Wildlife Resources Section may offer these surplus
21 weapons for sale to any active or retired special natural resources police officer, at fair market
22 value, with the proceeds from any sales used to offset the cost of the new weapon.

NOTE: The purpose of this bill is to allow for the disposal of special natural police officer service weapons by the Chief of the Section of Parks and Recreation and the Chief of the Wildlife Resources Section of the Division of Natural Resources when the weapons are replaced due to routine wear; and to change the designation of service weapon from revolver to weapon.

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