

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4502

BY DELEGATES BARRETT, KESSINGER, MOORE,
SOBONYA, R. MILLER, LOVEJOY, CANESTRARO AND
HARSHBARGER

[Introduced February 12, 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 the crimes of murder and armed robbery to the list of offenses for which a
3 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 §62-7-1 *et seq.* and such judge, in accordance
3 with the provisions of this article, may grant an order authorizing the interception of wire, oral or
4 electronic communications by an officer of the investigative or law-enforcement agency when the
5 prosecuting attorney or special prosecutor has shown reasonable cause to believe the
6 interception would provide evidence of the commission of: (i) Kidnapping or abduction as defined
7 and prohibited by the provisions of §61-2-14 and §61-2-14a of this code and including threats to
8 kidnap or demand ransom as defined and prohibited by the provisions of §61-2-14c; (ii) of any
9 offense included and prohibited by §25-4-11 of this code, §61-5-8 through §61-5-10 or §62-8-1
10 of this code to the extent that any of said sections provide for offenses punishable as a felony; (iii)
11 dealing, transferring or trafficking in any controlled substance or substances in the felonious
12 violation of §60A-1-1 *et seq.* of this code; (iv) of any offense included and prohibited by §61-14-1
13 *et seq.* of this code; (v) of any offense included and prohibited by §61-2-1 of this code; (vi) of any
14 offense included and prohibited by §61-2-12 of this code; or (vii) any aider or abettor to any of the
15 foregoing offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor
16 or conspirator is a party to the communication to be intercepted.

NOTE: The purpose of this bill is to include the offenses of murder and armed robbery 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.