

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 61

BY SENATORS WELD AND TRUMP

[Introduced January 9, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating
 2 to including treason, murder, certain degrees of robbery, and organized crime to the list of
 3 crimes for which a prosecutor may apply for order authorizing interception of
 4 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: (i) Kidnapping or abduction
 7 as defined and prohibited by the provisions of §61-2-14 and §61-2-14(a) of this code and including
 8 threats to kidnap or demand ransom as defined and prohibited by the provisions of §61-2-14(c)
 9 of this code; (ii) of any offense included and prohibited by §25-4-11 of this code, §61-5-8 through
 10 §61-5-10 of this code, or §62-8-1 of this code to the extent that §25-4-11 of this code, §61-5-8
 11 through §61-5-10 of this code, or §62-8-1 of this code provide for offenses punishable as a felony;
 12 (iii) dealing, transferring, or trafficking in any controlled substance or substances in the felonious
 13 violation of §60A-1-1 *et seq.* of this code; (iv) of any offense included and prohibited by §61-14-1
 14 *et seq.* of this code; ~~or~~ (v) any aider or abettor to any of the foregoing offenses or any conspiracy
 15 to commit any of the foregoing offenses if any aider, abettor, or conspirator is a party to the
 16 communication to be intercepted; (vi) "treason" as defined in §61-1-1 of this code; (vii) "murder"
 17 as defined in §61-2-1 of this code; (viii) "robbery" as defined in §61-2-12(a) of this code; and (ix)
 18 "participation in an organized criminal enterprise" as defined in §61-13-2 of this code.

NOTE: The purpose of this bill is to add treason, murder, certain degrees of robbery, and organized crimes to the list of crimes wherein interception of communications may be authorized.

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