



Jim Justice
Governor of West Virginia

March 1, 2019

VIA HAND DELIVERY

The Honorable Mitch Carmichael
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: **Enrolled Committee Substitute for Senate Bill 61**

Dear President Carmichael:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 61. This bill purports to add extortion to the list of criminal offenses for which a prosecutor may seek a wiretap to investigate.

The bill is technically flawed because its title is defective. See *State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, there are two sections that are not referenced in the title, W.Va. Code §62-1D-6, which would provide that the evidence obtained by the wiretap can be received in any court of competent jurisdiction, and W.Va. Code §62-1D-9, which provides that information about the evidence obtained through wiretap may be presented in federal criminal proceedings.

As a result of this flaw, I disapprove and return Enrolled Committee Substitute for Senate Bill 61.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Justice".

Jim Justice
Governor

cc: The Hon. Roger Hanshaw
Speaker of the House of Delegates
The Hon. Mac Warner
Secretary of State