

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2599**

BY DELEGATE ROWAN

[INTRODUCED JANUARY 22, 2019; REFERRED

TO THE COMMITTEE ON 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; and making stylistic changes.

*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~~

NOTE: The purpose of this bill is to make stylistic changes.

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