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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

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**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 4671**

(By Delegates Michael, Boggs, Proudfoot, Ashley,  
Browning, G. White and Stalnaker)

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Passed March 13, 2004

In Effect Ninety Days from Passage

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### H. B. 4671

(BY DELEGATES MICHAEL, BOGGS, PROUDFOOT, ASHLEY,  
BROWNING, G. WHITE AND STALNAKER)

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[Passed March 13, 2004; in effect ninety days from passage.]

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AN ACT to amend and reenact §15-2-43 of the code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1d of said code, all relating to the disposal of law-enforcement weapons when replaced due to routine wear.

*Be it enacted by the legislature of West Virginia:*

That §15-2-43 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that §20-7-1d of said code be amended and reenacted, all to read as follows:

#### **CHAPTER 15. PUBLIC SAFETY.**

##### **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

##### **§15-2-43. Awarding service revolver upon retirement and disposal of service weapon when replaced due to routine wear.**

- 1 (a) Upon the retirement of a member of the West Virginia
- 2 state police, the superintendent shall award to the retiring

3 member his or her service revolver, without charge, upon  
4 determining:

5 (1) That the retiring member is retiring honorably with at  
6 least twenty years of service; or

7 (2) Such retiring member is retiring with less than twenty  
8 years of service based upon a determination that such member  
9 is totally physically disabled as a result of his or her service  
10 with the West Virginia state police.

11 (b) Notwithstanding the provisions of subsection (a) of this  
12 section, the superintendent may not award his or her service  
13 revolver to any member whom the superintendent finds to be  
14 mentally incapacitated or who constitutes a danger to any  
15 person or the community.

16 (c) The disposal of state police service weapons, when  
17 replaced due to routine wear, shall not fall under the jurisdiction  
18 of the agency for surplus property, within the purchasing  
19 division of the department of administration. The superinten-  
20 dent may offer these surplus weapons for sale to any active or  
21 retired member of the state police, at fair market value, with the  
22 proceeds from any sales used to offset the cost of the new  
23 weapons.

## CHAPTER 20. NATURAL RESOURCES.

### ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

#### **§20-7-1d. Awarding service revolver 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 conserva-  
2 tion officer, the chief conservation officer shall award to the

3 retiring conservation officer his or her service revolver, without  
4 charge, upon determining:

5 (1) That the conservation officer is retiring honorably with  
6 at least twenty-five years of recognized law-enforcement  
7 service as determined by the chief conservation officer; or

8 (2) That such conservation officer is retiring with less than  
9 twenty-five years of service based upon a determination that he  
10 or she is totally physically disabled as a result of service with  
11 the division.

12 (b) Notwithstanding the provisions of subsection (a) of this  
13 section, the chief conservation officer shall not award a service  
14 revolver to any conservation officer who has been declared  
15 mentally incompetent by a licensed physician or any court of  
16 law, or who, in the opinion of the chief conservation officer,  
17 constitutes a danger to any person or the community.

18 (c) The disposal of law-enforcement service weapons, when  
19 replaced due to routine wear, shall not fall under the jurisdiction  
20 of the agency for surplus property, within the purchasing  
21 division of the department of administration. The chief conser-  
22 vation officer may offer these surplus weapons for sale to any  
23 active or retired division of natural resources law-enforcement  
24 officer, at fair market value, with the proceeds from any sales  
25 used to offset the cost of the new weapons.

26 (d) Upon the death of any current or honorably retired  
27 conservation officer, the chief conservation officer shall, upon  
28 request of the deceased officer's family, furnish a full uniform  
29 for burial of the deceased officer.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within is approved this the 5<sup>th</sup>  
day of April, 2004.

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Governor

PRESENTED TO THE  
GOVERNOR  
DATE 5/31/04  
TIME 10:30am