

SB208

FILED

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WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

Committee Substitute for

SENATE BILL NO. 208

(By Senator Unger, et al)

PASSED March 11, 2004

In Effect ninety days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 208

(SENATORS UNGER, KESSLER, PREZIOSO, SHARPE,
JENKINS, CALDWELL, ROWE, SMITH, MCKENZIE, BOLEY,
WHITE, MCCABE, FANNING, DEMPSEY, HUNTER
AND FACEMYER, *original sponsors*)

[Passed March 11, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §15-2-13 of the code of West Virginia, 1931, as amended, relating to allowing members of the state police to engage in certain political activities while out of uniform and off duty.

Be it enacted by the Legislature of West Virginia:

That §15-2-13 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-13. Limitations upon members; exceptions.

1 (a) No member of the West Virginia state police may in
2 any way interfere with the rights or property of any person
3 except for the prevention of crime.

4 (b) No member of the West Virginia state police may in
5 any way become active or take part in any political contest
6 or at any time participate in any political party caucus,
7 committee, primary, assembly or convention or in any
8 general or special election while in uniform, except to cast
9 his or her ballot.

10 (c) No member of the West Virginia state police may be
11 detailed or ordered to duty at or near any voting precinct
12 where any election or convention is held on the day of an
13 election or convention; nor may any member thereof
14 remain in, about or near the voting precinct or place of
15 convention, except to cast his or her vote. After voting he
16 or she shall forthwith retire from the voting precinct. No
17 member may act as an election official. If any member of
18 the West Virginia state police is found guilty of violating
19 any of the provisions of this section, he or she shall be
20 dismissed by the superintendent as hereinafter provided.

21 (d) While out of uniform and off duty, no member of the
22 West Virginia state police may participate in any political
23 activity except:

24 (1) Campaign for and hold office in political clubs and
25 organizations;

26 (2) Actively campaign for candidates for public office in
27 partisan and nonpartisan elections; and

28 (3) Contribute money to political organizations and
29 attend political fund-raising functions.

30 (e) No member of the West Virginia state police may at
31 any time:

32 (1) Be a candidate for public office in a nonpartisan or
33 partisan election;

34 (2) Use official authority or influence to interfere with or
35 affect the results of an election or nomination; or

36 (3) Directly or indirectly coerce contributions from
37 subordinates in support of a political party or candidate.

38 (f) No officer or member of the West Virginia state police
39 may, in any labor trouble or dispute between employer and
40 employee, aid or assist either party thereto, but shall in
41 these cases see that the statutes and laws of this state are
42 enforced in a legal way and manner.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 5th
Day of April, 2004.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

DATE

3/22/04

TIME

9:40am