

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4601**

5 (By Delegates Iaquina, Swartzmiller, Longstreth, Pethel,
6 Fleischauer, Pasdon, Nelson, Staggers, Paxton and Smith)
7

8 [Passed March 10, 2012; in effect ninety days from passage.]
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11 AN ACT to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §15-1B-27, relating
13 to authorizing the West Virginia National Guard to participate
14 in a federal asset forfeiture or sharing program; creating the
15 West Virginia National Guard Counterdrug Forfeiture Fund
16 administered by the Adjutant General; and authorizing the
17 Adjutant General to propose rules.

18 *Be it enacted by the Legislature of West Virginia:*

19 That the Code of West Virginia, 1931, as amended, be amended,
20 by adding thereto a new section, designated §15-1B-27, to read as
21 follows:

22 **ARTICLE 1B. NATIONAL GUARD.**

23 **§15-1B-27. Asset Forfeiture and Asset Sharing.**

24 (a) The West Virginia National Guard is authorized to
25 participate in asset forfeiture and seizure programs established by
26 the United States government relating to drug interdiction and

1 counter-drug activities, pursuant to the provisions of 32 U. S. C.
2 §112.

3 (b) (1) There is hereby created in the State Treasury a
4 special revenue account, designated the West Virginia National
5 Guard Counterdrug Forfeiture Fund which shall be administered by
6 the Adjutant General.

7 (2) Any balance in the account at the end of the fiscal year
8 shall not revert to the general revenue fund but shall remain in
9 the account, and be expended as provided in this section. The fund
10 shall consist of property seized or forfeited to the United States
11 under any federal asset, forfeiture or sharing program and shared
12 with the West Virginia National Guard Counter Drug Program.

13 (3) Expenditures from the fund shall be for the purposes set
14 forth in this section and are not authorized from collections, but
15 are to be made only in accordance with appropriation by the
16 Legislature and in accordance with the provisions of article three,
17 chapter twelve of this code and upon the fulfillment of the
18 provisions set forth in article two, chapter eleven-b of this code:
19 *Provided*, that for fiscal year ending June 30, 2013, expenditures
20 are authorized from collections rather than pursuant to an
21 appropriation by the Legislature. Expenditures from the fund shall
22 be for facilities, equipment, administrative expenses and to defray
23 any other necessary expenses incidental to and associated with the
24 program.

25 (c) The Adjutant General shall propose rules pursuant to
26 article three, chapter twenty-nine-a of this code for the operation

1 of any asset forfeiture and asset sharing program by the West
2 Virginia National Guard Counterdrug Support Program and for the
3 operation of the special revenue fund account established under
4 this section.