

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE FOR House Bill No. 4601

(By Delegates Iaquina, Swartzmiller,
Longstreth, Pethtel, Fleischauer, Pasdon,
Nelson, Staggers, Paxton and Smith)



Passed March 10, 2012

To Take Effect Ninety Days From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4601

(BY DELEGATES IAQUINTA, SWARTZMILLER,
LONGSTRETH, PETHTEL, FLEISCHAUER, PASDON,
NELSON, STAGGERS, PAXTON AND SMITH)

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-27, relating to authorizing the West Virginia National Guard to participate in a federal asset forfeiture or sharing program; creating the West Virginia National Guard Counterdrug Forfeiture Fund administered by the Adjutant General; and authorizing the Adjutant General to propose rules.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1B. NATIONAL GUARD.

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

- 1 (a) The West Virginia National Guard is authorized to
- 2 participate in asset forfeiture and seizure programs

3 established by the United States government relating to drug
4 interdiction and counter-drug activities, pursuant to the
5 provisions of 32 U. S. C. §112.

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

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

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

29 (c) The Adjutant General shall propose rules pursuant to
30 article three, chapter twenty-nine-a of this code for the
31 operation of any asset forfeiture and asset sharing program by
32 the West Virginia National Guard Counterdrug Support
33 Program and for the operation of the special revenue fund
34 account established under this section.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor