

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

House Bill 3022

BY DELEGATE SHOTT

[Passed April 8, 2017; in effect ninety days from passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §7-1-16; to amend said code by adding thereto a new section, designated §8-
3 9-4; and to amend said code by adding thereto a new section, designated §30-1-5a, all
4 relating to the reporting of fraud, misappropriation of moneys, and other violations of law
5 relating to the public trust to the commission on special investigations; requiring reporting
6 when a county commission, or any of a county's boards, committees, or certain other
7 county entities obtain certain information regarding misappropriation, fraud or violations of
8 law relating to the public trust; requiring reporting when a municipality, or any of a
9 municipality's boards, committees, or certain other municipal entities obtain certain
10 information regarding misappropriation, fraud or violations of law relating to the public
11 trust; requiring reporting when certain professional and occupational boards of the state
12 obtain certain information regarding misappropriation, fraud or violations of law relating to
13 the public trust; and clarifying that the reporting requirements do not prevent, relieve or
14 replace a report to law-enforcement where appropriate or warranted.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §7-1-16, that said code be amended by adding thereto a new section,
3 designated §8-9-4, and that said code be amended by adding thereto a new section, designated
4 §30-1-5a, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-16. Reporting of fraud and misappropriation of funds.

1 (a) Whenever a county commission, or any of a county's boards, committees, or any other
2 entities of any kind or nature authorized in this chapter, obtains information that an employee,
3 officer or member of the county commission, or any of a county's boards, committees, or any

4 other entities of any kind or nature authorized in this chapter may have misappropriated funds,
5 engaged in fraud, or otherwise violated a law relating to the public trust, the county commission,
6 or the county's board, committee, or other entity authorized in this chapter shall timely report such
7 information or allegation in writing to the county prosecutor's office.

8 (b) The reporting of such information under subsection (a) of this section shall not prevent,
9 relieve or replace a report to a law-enforcement agency, if appropriate or warranted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 9. PROCEEDINGS OF GOVERNING BODIES.

§8-9-4. Reporting of fraud and misappropriation of funds.

1 (a) Whenever a governing body of a municipality, or any of a municipality's boards,
2 committees, or any other entities of any kind or nature authorized in this chapter, obtains
3 information that an employee, officer or member of municipality, or any of a municipality's boards,
4 committees, or any other entities of any kind or nature authorized in this chapter may have
5 misappropriated funds, engaged in fraud, or otherwise violated a law relating to the public trust,
6 municipality, or any of a municipality's board, committee, or any other entity authorized in this
7 chapter shall timely report such information or allegation in writing to the county prosecutor's
8 office.

9 (b) The reporting of such information under subsection (a) of this section shall not prevent,
10 relieve or replace a report to a law-enforcement agency, if appropriate or warranted.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.

§30-1-5a. Reporting of fraud and misappropriation of funds.

1 (a) Whenever a board referred to in this chapter obtains information that an employee,
2 officer or member of the board may have misappropriated funds, engaged in fraud, or otherwise

3 violated a law relating to the public trust, the board shall timely report such information or
4 allegation in writing to the commission on special investigations, established in article five, chapter
5 four of this code.

6 (b) The reporting of such information under subsection (a) of this section shall not prevent,
7 relieve or replace a report to a law-enforcement agency, if appropriate or warranted.

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

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2017.

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Governor