

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 356

BY SENATORS WELD, CLEMENTS, MARONEY, CLINE, AND

SWOPE

[Introduced January 21, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §15A-1-7, relating to authorizing the Division of Corrections and Rehabilitation
 3 to release to county prosecutors of this state and the United States Attorney certain
 4 information which may be required for the prosecution of a criminal action; and immunities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DEFINITIONS; GENERAL PROVISIONS.

§15A-1-7. Compliance with requests for personnel information.

1 (a) Notwithstanding any other provisions of this code or any rule promulgated thereunder
 2 to the contrary, any agency within the Department of Military Affairs and Public Safety may release
 3 to a county prosecutor of this state or a United States Attorney, the names of any employees,
 4 who are expected to testify in a criminal action, against whom findings of dishonesty, moral
 5 turpitude, or bias have been sustained, and the dates of the earliest such conduct.

6 (b) The Department of Military Affairs and Public Safety and all its officers and employees
 7 are immune from any and all liability arising from the good faith release of information under the
 8 provisions of this article. The immunity granted by this section is in addition to any other immunity
 9 now existing or granted under any other provision of this code or by common law.

NOTE: The purpose of this bill is to authorize the Department of Military Affairs and Public Safety to release certain information to county prosecutors of this state and United States Attorneys which are required for the prosecution of a criminal action.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.