

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 356

SENATORS WELD, CLEMENTS, MARONEY, CLINE, AND

SWOPE, original sponsors

[Originating in the Committee on the Judiciary;

Reported on February 5, 2019]

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 generally to compliance with judicial discovery
3 requirements in state and federal criminal cases; requiring the Department of Military
4 Affairs and Public Safety and the agencies therewithin to provide to state and federal
5 prosecutors information regarding certain past or present employees called as witnesses
6 for the prosecution who have been previously determined to have engaged in conduct
7 which might reasonably constitute impeachment evidence; requiring disclosure of the
8 employee's name to the prosecuting attorney or United States attorney; limiting the
9 department's or agency's responsibilities to those circumstances wherein the department
10 or agency is on notice that the employee has been subpoenaed or is to be called as a
11 prosecution witness; clarifying that the responsibilities imposed by this section upon the
12 department or agency are met by transmittal of the name to the prosecuting attorney or
13 attorney for the United States; granting immunity to the department and agencies for good
14 faith compliance with the requirement to provide information; and clarifying that the
15 immunity granted by the section is in addition to any other immunities granted under law.

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 provision of this code or any rule promulgated thereunder to the
2 contrary, when the Department of Military Affairs and Public Safety or any agency within the
3 department is placed on notice that a past or current employee has been subpoenaed or is to be
4 called as a witness in a criminal proceeding on behalf of the state or federal government, the
5 department, or agency, and the employee has, to the departments' or agencies' knowledge,
6 previously been determined to have engaged in conduct reflecting dishonesty, moral turpitude,
7 bias, prejudice, or other conduct which might reasonably be deemed to constitute impeachment

8 evidence, the department or agency shall provide the name of the employee to the prosecuting
9 attorney or United States attorney representing the state or the United States in the prosecution.

10 (b) The responsibilities of the department and agencies imposed by this section are met
11 by transmittal of the employee name to the prosecuting attorney or attorney for the United States.

12 (c) The Department of Military Affairs and Public Safety and all its officers and employees
13 are immune from any and all liability arising from the good faith release of information under the
14 provisions of this section. The immunity granted by this section shall be in addition to any other
15 immunity now existing or granted under any other provision of this code or common law.