

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### House Bill 3037

FISCAL  
NOTE

BY DELEGATES CAMPBELL, HIGGINBOTHAM, LOVEJOY,  
CANESTRARO, PACK, PAYNTER, WILSON, ANGELUCCI,  
MILLER, MAYNARD AND LONGSTRETH

[Introduced February 12, 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 §62-1-5b, relating to criminal procedure; body search procedure; and  
 3 providing for a felony offense for failure to disclose possession of hypodermic needles.

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

**ARTICLE 1. PRELIMINARY PROCEDURE.**

**§62-1-5b. Body search accompanying arrest; duty to inform law-enforcement officer of possession of hypodermic needles; felony offense and penalty.**

1 Any person who, is arrested and subject to a body search by law-enforcement officers,  
 2 medical or EMT personnel, shall disclose that the person has a hypodermic needle or any other  
 3 item in his or her possession that could puncture the skin of the law-enforcement officers, medical  
 4 or EMT personnel. Any person, who fails to make that disclosure and a law-enforcement officer,  
 5 medical or EMT personnel is stuck with a needle or other sharp object, is guilty of a felony and,  
 6 upon conviction thereof, shall be imprisoned in a state correctional facility not more than 10 years  
 7 and fined up to \$50,000.

NOTE: The purpose of this bill is to require persons who are arrested and subject to a body search to disclose the possession of a hypodermic needle or other sharp object. The bill also provides that if law enforcement, medical or EMT personnel are injured by such an object, a felony has occurred.

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