WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 276

By Senators Trump, Deeds, and Phillips

[Passed March 02, 2023; in effect from passage]

1 AN ACT to amend and reenact §15A-10-25 of the Code of West Virginia, 1931, as amended, 2 relating to awarding the service weapon of a retiring State Fire Marshal, any full-time deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire 3 4 Marshal to the retiree without charge when the retiring member honorably retires with at 5 least 10 years of service or with less than 10 years of service based upon determination 6 that the retiring employee is totally physically disabled as a result of service with the State 7 Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the State Fire Marshal knows is prohibited from possessing a firearm, is mentally 8 9 incapacitated, or a danger to any person or the community; authorizing the sale of service 10 weapons that are taken out of service due to routine wear to any active or retired State Fire 11 Marshal; providing that proceeds from the sales be used to offset the cost of new service 12 weapons; and exempting the sale from the requirements of the Purchasing Division.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FIRE MARSHAL.

§15A-10-25. Awarding service weapon upon retirement of fire marshal or service weapon.

(a) Upon the retirement of a State Fire Marshal, any full-time deputy fire marshal, or any
 full-time assistant fire marshal employed by the State Fire Marshal pursuant to this article shall
 award to the retiring member his or her service weapon, without charge, upon determining:

4 (1) That the retiring employee is retiring honorably with at least 10 years of service; or
5 (2) The retiring employee is retiring with less than 10 years of service based upon a
6 determination that the employee is totally physically disabled as a result of his or her service with
7 the State Fire Marshal.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the State Fire Marshal 9 shall not award a service weapon to any employee whom the State Fire Marshal: (1) Knows is 10 prohibited from possessing a firearm by state of federal law; (2) has reason to believe such retiring 11 employee to be mentally incapacitated; or (3) has reason to believe the retiring employee

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12 constitutes a danger to any person or the community.

(c) If a service weapon is taken out of service due to routine wear, the State Fire Marshal may offer the service weapon for sale to any active or retired State Fire Marshal, assistant state fire marshal, or deputy state fire marshal, at fair market value, with the proceeds from any sales used to offset the cost of new service weapons. The disposal of service weapons pursuant to this subsection does not fall within the jurisdiction of the Purchasing Division of the Department of Administration.