

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2397

BY DELEGATES HILLENBRAND, FUNKHOUSER, MASTERS,
RIDENOUR, HORST, BROOKS, HITE, MOORE, MAZZOCCHI,
COOPER, AND B. SMITH

[Passed April 9, 2025; in effect 90 days from passage
(July 8, 2025)]

1 AN ACT to amend and reenact §7-5-4 of the Code of West Virginia, 1931, as amended, relating
2 to modifying the process for designating signatories for certain expenditures from the
3 county treasury by a county sheriff when two or more of the designated signatories are
4 family or household members.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. FISCAL AFFAIRS.

§7-5-4. Payment of money out of county treasury; signing of orders by mechanical or electrical devices; process when two or more designated signatories are family or household members; forgery; penalty.

1 (a) Money may not be paid by the sheriff out of the county treasury except upon an order
2 signed by the president of the county commission and the county clerk, and properly
3 endorsed. In counties having a population in excess of 50,000 as shown by the last preceding
4 federal census, such signatures may be made by means of such mechanical or electrical device
5 as the county court may select. The mechanical or electrical device utilized for making the
6 signatures of the president and clerk shall be safely kept in the office of the county clerk so that
7 no one has access except the members of the county court, the county clerk, and such of their
8 respective employees as may be authorized to have access. The mechanical or electrical device
9 utilized for making the sheriff's signature shall be safely kept in the sheriff's office so that no
10 one has access except the sheriff and such of his or her deputies as may be authorized to have
11 access.

12 (b) In the event that two or more individuals among the county commission president,
13 sheriff, and county clerk, are family or household members, alternate signatories shall be
14 designated, as follows:

15 (1) The county commission shall vote to designate another county commissioner who is
16 not a family or household member of any other required signatory to sign for the president;

17 (2) The chief tax deputy shall sign for the sheriff. If the chief tax deputy is a family or
18 household member of any other signatory, then the county commission shall vote to appoint a
19 resident of the county to serve as a substitute signatory; and

20 (3) The county clerk is not subject to substitution.

21 (c) As used in this section, "family or household member" has the same meaning as set
22 forth in §48-27-204 of this code.

23 (d) If any person, other than the persons authorized to sign by this section, signs the name
24 of the county commission president, county clerk, or sheriff, using any mechanical or electrical
25 device, or otherwise, on any warrant, order, or check, or knowingly utters or attempts to employ
26 as true the forged warrant, order, or check, he or she is guilty of a felony and, upon conviction,
27 shall be confined in the penitentiary not fewer than two years and not more than 10 years.

The Clerk of the House of Delegates and the Clerk of the Senate hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor