

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2397

By Delegates Hillenbrand, Funkhouser, Masters,
Ridenour, Horst, Brooks, Hite, Moore, Mazzocchi,
Cooper, and B. Smith

[Originating in the Committee on the Judiciary;

Reported on March 14, 2025]

1 A BILL to amend and reenact §7-5-4 of the Code of West Virginia, 1931, as amended, relating to
2 authorizing expenditures by the sheriff out of the county treasury and providing that the
3 order approving these expenditures shall only be signed by statutorily designated persons
4 that are not family or household members and sets forth a framework to address these
5 issues when these familial conflicts arise.

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; forgery; penalty.**

1 (a) No money shall be paid by the sheriff out of the county treasury except upon an order
2 signed by the president of the county commission and ~~clerk of the county court~~ county clerk, and
3 properly endorsed: *Provided, however,* That in counties having a population in excess of fifty
4 thousand as shown by the last preceding federal census, such signatures and the signature of the
5 sheriff authorizing the payment of such orders by a county depository may be made by means of
6 such mechanical or electrical device as the county court may select. Such mechanical or electrical
7 device for the making of the signatures of the president and clerk shall be safely kept in the office
8 of the ~~clerk of the county court~~ county clerk so that no one shall have access thereto except the
9 members of the county court and the ~~clerk of the county court~~ county clerk and such of their
10 respective employees as may be authorized to have access thereto. Such mechanical or electrical
11 device for the making of the signature of the sheriff shall be safely kept in the office of the sheriff so
12 that no one shall have access thereto except the sheriff and such of his or her deputies as may be
13 authorized to have access thereto.

14 (b) In the event that two, or more, of the president of the county commission, the sheriff, or
15 the county clerk, is a family or household member, alternate signatories shall be designated, as
16 follows:

17 (1) The county commission shall, by way of vote, designate another county commissioner,

18 who is not a family or household member of any other required signatory, as provided in this
19 section of the code, to sign for the president of the county commission.

20 (2) The chief deputy shall sign for the sheriff: *Provided*, however, if the chief deputy is a
21 family or household member of any other signatory, as provided in this section of this code, then
22 the county commission shall, by way of vote, appoint a resident of the county to act as a substitute
23 signatory.

24 (c) The county clerk shall not be subject to substitution under this section of the code.

25 (d) The term "family or household member" has the same meaning as set forth in §48-27-
26 204 of this code.

27 (e) If any person, other than the persons authorized ~~so to do~~ pursuant to the provisions of
28 this section of the code, shall sign the name of the president of the county court, the clerk of the
29 county court county clerk or the sheriff by the use of any such mechanical or electrical device, or
30 otherwise, on any warrant, order or check, or utter or attempt to employ as true such forged
31 warrant, order or check, knowing the same to be forged, he or she shall be guilty of a felony and,
32 upon conviction, shall be confined in the penitentiary not less than two years and not more than 10
33 years.

NOTE: The purpose of this bill is to prevent two immediate family members to act in a fiduciary capacity for the same governmental authority.

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