

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4114

By Delegate Hanshaw (Mr. Speaker)

[Introduced January 14, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §15A-12-3 of the Code of West Virginia, 1931, as amended, relating
2 to the West Virginia Fusion Center Joint Oversight Committee; terminating the Joint
3 Oversight Committee as of June 30, 2026; establishing the Fusion Center Joint Oversight
4 Committee to be effective July 1, 2026; directing the Inspector General to conduct an
5 annual audit of the Fusion Center; establishing audit requirements; requiring Inspector
6 General or Director of Fusion Center to respond to questions from committee; providing
7 that the President and Speaker may call Fusion Center employees to testify in committee
8 meetings; establishing that violations of law or policy identified by audit may form basis for
9 disciplinary action regarding Fusion Center employee.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. WEST VIRGINIA FUSION CENTER.

§15A-12-3. Fusion Center Joint Oversight Committee; membership; powers; annual audit; and reporting.

1 (a) The Joint Oversight Committee established by this section shall be terminated effective
2 June 30, 2026. The members of the select committee serving at the time of termination are eligible
3 for reappointment.

4 (b) Effective July 1, 2026, the Speaker of the House of Delegates and President of the
5 Senate shall establish a select committee which shall have oversight of the information collected
6 ~~by the~~ ~~West Virginia Fusion Center. to ensure the proper collection, dissemination, storage, and~~
7 ~~destruction of information or intelligence~~ The committee shall be composed of: (1) The Speaker of
8 the House of Delegates and four members of the House of Delegates, to be appointed by the
9 Speaker of the House of Delegates, no more than two of whom shall be appointed from the same
10 political party; and (2) the President of the Senate and four members of the Senate, to be
11 appointed by the President of the Senate, no more than two of whom shall be from the same
12 political party; and counsel and staff to the Speaker and the Senate President: *Provided*, That in
13 the event the membership of a political party is less than 15 percent in the House of Delegates or

14 Senate, then the membership of that political party from the legislative house with less than 15
15 percent membership may be one from that house. The committee shall be chaired by the
16 President of the Senate and the Speaker of the House of Delegates. All members appointed to the
17 select committee by the select committee chairs serve until their successors are appointed as
18 provided in this section.

19 (c) The select committee is responsible for the general oversight of the West Virginia
20 Fusion Center, including ensuring the proper collection, dissemination, storage, and destruction of
21 information or intelligence it receives. The select committee members, counsel, and staff must
22 ~~have the appropriate security clearance in order to obtain information that is classified and shall be~~
23 ~~subject to the same rules, regulations, and laws as the employees of the West Virginia Fusion~~
24 ~~Center for safeguarding both classified and law enforcement sensitive information or intelligence~~
25 These select committee members, counsel, and staff shall be advised of the restrictions and
26 protocol for handling such information or intelligence and shall sign a statement of understanding
27 as well as a confidentiality agreement.

28 (b) (d) Members of the select committee may enter and inspect the West Virginia Fusion
29 Center at any time staff is present with select committee counsel and staff, with or without notice to
30 the West Virginia Fusion Center.

31 (c) (e) Meetings of the select committee shall be confidential and the information and
32 materials, in any medium, including hard copy and electronic, coming to the attention of or placed
33 in the custody of the select committee shall not be subject to the West Virginia Freedom of
34 Information Act as set forth in §29B-1-1 *et seq.* of this code.

35 (d) (f) The select committee may conduct proceedings in a confidential executive session
36 for the purpose of conducting business, establishing policy, reviewing investigations, and
37 interrogating a witness or witnesses.

38 (e) (g) All witnesses appearing before the select committee shall testify under oath or
39 affirmation, and any member of the select committee or its counsel may administer oaths or

40 affirmations to such witnesses. To compel witnesses to attend a hearing or produce any books,
41 records, documents, or papers, or any other tangible thing except where the records, documents,
42 data, or items are protected from disclosure by privilege recognized by state or federal courts, the
43 select committee may issue subpoenas, signed by one of the co-chairs: *Provided*, That the select
44 committee may specifically authorize or delegate the power to any member of the select
45 committee to sign subpoenas on its behalf. The subpoenas shall be served by any person
46 authorized by law to serve and execute legal process, and service shall be made without charge.
47 Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is
48 allowed witnesses before any petit jury in this state.

49 (f) (h) If any person subpoenaed to appear at any hearing shall refuse to appear or to
50 answer inquiries there propounded, or shall fail or refuse to produce books, records, documents,
51 papers, or any other tangible thing within his or her control when the same are demanded, the
52 select committee shall report the facts to the circuit court of Kanawha County or any other court of
53 competent jurisdiction and that court may compel obedience to the subpoena as though the
54 subpoena had been issued by that court in the first instance: *Provided*, That prior to seeking circuit
55 court relief, the select committee may, in its discretion, first demand the Secretary of Homeland
56 Security or the director of the West Virginia Fusion Center under whom an employee has failed to
57 appear or which has failed to produce requested or subpoenaed material to appear before the
58 select committee and address the basis for the failure to comply and whether compliance will be
59 forthcoming.

60 (g) (i) The select committee may direct the West Virginia Fusion Center to send its
61 budgetary accounting to the State Auditor: *Provided*, That if budgetary expenditures are classified,
62 or security or law enforcement sensitive such that disclosure would compromise an investigation,
63 those entry descriptions, but not the expenditure amounts, may be redacted from the West Virginia
64 Fusion Center accounting provided to the State Auditor: *Provided, however*, That the State Auditor
65 shall bring any accounting issues of concern to the attention of the select committee, upon which

66 the select committee shall subpoena the West Virginia Fusion Center for unredacted copies of the
67 accounting items to be presented for explanation and justification of the necessity and legality of
68 the concerns raised by the State Auditor. The select committee may take whatever action it deems
69 necessary, if any, after review and analysis of the subpoenaed unredacted materials.

70 (j) The Department of Homeland Security's Inspector General shall conduct an oversight
71 audit of the West Virginia Fusion Center's operations. The Inspector General may direct and
72 delegate the completion of the oversight audit to the Deputy Cabinet Secretary and General
73 Counsel. The oversight audit shall be completed and provided to the select committee by
74 September 1 each year. The Inspector General or the Director of the West Virginia Fusion Center
75 shall attend a meeting or meetings of the select committee to address any questions regarding the
76 report. The President and Speaker may call West Virginia Fusion Center employees to testify at
77 select committee meetings regarding the oversight audit or general questions regarding the
78 operation of the Fusion Center.

79 (k) The oversight audit shall encompass all aspects of the West Virginia Fusion Center
80 operation to ensure the following:

81 (1) That the West Virginia Fusion Center, employees, partners, law enforcement agencies
82 and sub-contractors utilizing the West Virginia Fusion Center services are operating within
83 applicable rules, statutes, and operating policies of the West Virginia Fusion Center;

84 (2) An assessment of all systems, processes, controls, information, and operations relating
85 to the case management database system utilized during the time period being audited;

86 (3) Provided, any information which is of a confidential or law enforcement sensitive
87 nature, the personal identifiers, aliases, addresses, and particular content of all personal
88 identifying information (PII) of persons, privacy, civil rights, and civil liberties of any person lawfully
89 within the United States generated by the West Virginia Fusion Center employees or any
90 professional partner utilizing West Virginia Fusion Center services is beyond the intended scope of
91 this oversight audit and shall be appropriately anonymized and aggregated to the extent

92 necessary to comply with reporting requirements, while ensuring the protection of sensitive
93 information, including but not limited to, sources and methods, criminal investigative activity and
94 evidence, integrity of pretrial investigative reports.

95 (I) During the oversight audit, if a determination is made that any West Virginia Fusion
96 Center employee, partner, law enforcement agency, and/or sub-contractor utilizing the West
97 Virginia Fusion Center services have intentionally disregarded federal or state statutes or rules
98 and regulations or engaged in any other any egregious, illegal, malicious and/or nefarious actions,
99 such determination shall provide adequate cause for the termination of employment from the West
100 Virginia Fusion Center. Such matters will be forwarded to the appropriate law enforcement agency
101 for full investigation and if warranted, criminal prosecution.

NOTE: The purpose of this bill is to provide for oversight authority of the West Virginia Fusion Center; to terminate the Joint Oversight Committee as of June 30, 2026; to establish the Fusion Center Joint Oversight Committee to be effective July 1, 2026; to direct the Inspector General to conduct an annual audit of the Fusion Center and to respond to questions from committee; to provide that the President and Speaker may call Fusion Center employees to testify in committee meetings; and to establish that violations of law or policy identified by audit may form basis for disciplinary action for a Fusion Center employee.

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