

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 419**

**FISCAL  
NOTE**

By Senator Deeds

[Introduced on January 15, 2026; referred  
to the Committee on Finance]

1 A BILL to amend and reenact §11-9-2a of the Code of West Virginia, 1931, as amended, relating to  
2 removing the cap on the number of investigators for the criminal investigation division of  
3 the State Tax Department; and removing the cap on the number of examiners by the  
4 special audits division in the State Tax Department.

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

## **ARTICLE 9. CRIMES AND PENALTIES.**

### **§11-9-2a. Criminal investigation division established; funding of same.**

1 (a) *Criminal investigation division.* -- A criminal investigation division consisting of ~~no more~~  
2 ~~than twelve investigators, of which one investigator~~ investigators, one of whom shall serve as  
3 division director, plus necessary support staff, all of whom are exempt from the classified service,  
4 is hereby established in the state Tax Division for the purpose of assuring compliance with laws  
5 and rules pertaining to the taxes, fees or credits administered under article ten of this chapter,  
6 including, but not limited to, the provisions of §47-20-1 *et seq.*, §47-21-1 *et seq.*, and §47-23-1 *et*  
7 *seq.*, of this code, but not including income taxes, imposed on individuals by §11-21-1 *et seq.* of  
8 this code.

9 (b) *Special audits division.* -- A special audits division consisting of ~~no more than eight~~ tax  
10 examiners, plus necessary support staff, all of whom are covered by the classified service, is  
11 hereby established in the auditing section of the state Tax Division for purposes of assuring  
12 compliance with laws and rules pertaining to taxes, fees or credits administered under §11-10-1 *et*  
13 *seq.* of this code, including, but not limited to, the provisions of §47-20-1 *et seq.*, §47-21-1 *et seq.*,  
14 and §47-23-1 *et seq.*, of this code, but not including income taxes imposed on individuals by the  
15 provisions of §11-21-1 *et seq.* of this code.

16 (c) The Legislature hereby finds that the enforcement of the laws and rules pertaining to  
17 the taxes, fees or credits administered under §11-10-1 *et seq.* of this code, as are applicable to  
18 persons whose residence or principal place of business is outside of the State of West Virginia,  
19 requires greater efforts and investigation than required for resident persons subject thereto, and

20 does further find that there is a greater rate of noncompliance with said laws and rules by  
21 nonresident persons. Therefore, the criminal investigation division and the special audits division  
22 created in subsections (a) and (b) of this section are hereby directed to expend a significant  
23 amount of their efforts to ensure compliance with the laws and rules pertaining to taxes, fees or  
24 credits administered under §11-10-1 *et seq.* of this code in accordance with the authority provided  
25 in this section, by persons whose residence or principal place of business is located outside the  
26 State of West Virginia.

27 (d) *Deposits of certain fees.* -- Charitable bingo fees imposed by §47-20-1 *et seq.* of this  
28 code; charitable raffle fees imposed by §47-21-1 *et seq.* of this code; online charitable raffle fees  
29 imposed by §47-21A-1 *et seq.* of this code; and charitable raffle boards and games fees imposed  
30 by §47-23-1 *et seq.* of this code in an amount not to exceed the amount appropriated by the  
31 Legislature in any fiscal year shall be deposited in a special revenue account established in the  
32 Office of the Treasurer. The special revenue account shall be used to support compliance  
33 expenditures relating to the establishment, operation, maintenance and support of the criminal  
34 investigation division established in subsection (a) of this section and the special audits division  
35 established in subsection (b) of this section. The expenditures may include, but shall not be limited  
36 to, employee compensation, equipment, office supplies and travel expenses. On the last day of  
37 each fiscal year, unencumbered funds in the special revenue account in excess of \$150,000 shall  
38 be transferred to the General Revenue Fund.

39 (e) *Investigators.* -- Investigators employed in the criminal investigation division shall have  
40 a background in accounting or law enforcement or related fields pursuant to §30-29-1 *et seq.* of  
41 this code, or its equivalent. Any investigator designated by the Tax Commissioner shall have all the  
42 lawful powers delegated to members of the division of public safety except the power to carry  
43 firearms and shall have the authority to enforce the provisions of this article and the criminal  
44 provisions of any other article of this code to which this article applies, in any county or municipality  
45 of this state. The Tax Commissioner shall establish additional standards as he or she considers

46 applicable or necessary. Any employee shall, before entering upon the discharge of his or her  
47 duties, execute a bond with security in the sum of \$3,500, payable to the State of West Virginia,  
48 conditioned for the faithful performance of the employee's duties and the bond shall be approved  
49 as to form by the Attorney General and shall be filed with the Secretary of State for preservation in  
50 that office. The division of public safety, any county sheriff or deputy sheriff and any municipal  
51 police officer upon request by the Tax Commissioner is hereby authorized to assist the Tax  
52 Commissioner in enforcing the provisions of this article and any criminal penalty provision of any  
53 article of this code to which this article applies.

54 (f) *Class A license plates.* -- Notwithstanding the provisions of §17A-3-1 *et seq.* of this  
55 code, upon application by the Tax Commissioner and payment of fees, the Commissioner of Motor  
56 Vehicles shall issue a maximum of twenty Class A license plates to be used on state owned or  
57 leased vehicles assigned to investigators employed in the criminal investigation division.

58 (g) *Reports.* -- On July 1, of each year, beginning in 1994, the Tax Commissioner shall  
59 present a written report to the joint committee on government operations on the division's  
60 compliance with the provisions of this section, including, but not limited to, activities of the divisions  
61 created by this section and disbursement of funding.

NOTE: The purpose of this bill is to remove the cap on the number of investigators for the criminal investigation division of the state Tax Department, and to remove the cap on the number of examiners by the special audits division in the state Tax Department.

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