

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014

SB 267

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2014 MAR 24 P 4:01

FILED

Senate Bill No. 267

(SENATORS PALUMBO, KESSLER (MR. PRESIDENT), COOKMAN
AND FITZSIMMONS, *ORIGINAL SPONSORS*)

[PASSED MARCH 8, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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FOR

Senate Bill No. 267

(SENATORS PALUMBO, KESSLER (MR. PRESIDENT), COOKMAN
AND FITZSIMMONS, *original sponsors*)

[Passed March 8, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §6-9-2c of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-3-10b of said code, all relating to fraudulent or unauthorized use of purchasing cards; ensuring that the courts of West Virginia have jurisdiction over fraudulent or unauthorized use of purchasing cards; establishing jurisdiction; and defining the conduct as a continuing offense.

Be it enacted by the Legislature of West Virginia:

That §6-9-2c of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §12-3-10b of said code be amended and reenacted, all to read as follows:

**CHAPTER 6. GENERAL PROVISIONS RESPECTING
OFFICERS.**

**ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT
OFFICES.**

§6-9-2c. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

(a) It is unlawful for any person to use a local government purchasing card, issued in accordance with the provisions of section two-a of this article, to make any purchase of goods or services in a manner which is contrary to the provisions of section two-a of this article or the rules promulgated pursuant to that section.

(b) It is unlawful for any person to knowingly or intentionally possess with the intent to use a purchasing card without authorization pursuant to section two-a of this article or the rules promulgated pursuant to that section.

(c) Any person who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility not less than one year nor more than five years, or fined no more than \$5,000, or both fined and imprisoned.

(d) A violation of this section may be prosecuted in the county in which the card was issued, unlawfully obtained, fraudulently used, used without authorization, or where any substantial or material element of the offense occurred.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-10b. Fraudulent or unauthorized use of purchasing card prohibited; penalties.

(a) It is unlawful for any person to use a state purchasing card, issued in accordance with the provisions of section

3 ten-a of this article, to make any purchase of goods or
4 services in a manner which is contrary to the provisions of
5 section ten-a of this article or the rules promulgated pursuant
6 to that section.

7 (b) It is unlawful for any person to knowingly or
8 intentionally possess with the intent to use a purchasing card
9 without authorization pursuant to section ten-a of this article
10 or the rules promulgated pursuant to that section.

11 (c) Any person who violates the provisions of this section
12 is guilty of a felony and, upon conviction thereof, shall be
13 imprisoned in the penitentiary not less than one year nor more
14 than five years, or fined no more than \$5,000, or both fined
15 and imprisoned.

16 (d) A violation of this section may be prosecuted in the
17 county in which the card was issued, unlawfully obtained,
18 fraudulently used, used without authorization, or where any
19 substantial or material element of the offense occurred.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2014 MAR 24 P 4: 02

FILED

The within *is approved* this
the *24th* Day of *March*, 2014.

[Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 21 2014

Time 11:00 am