WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 589

(By Mr. [originating in the Committee on the Judiciary])

PASSED February 23, 1969

In Effect [ ]

Passed by the Senate [ ]

Passed by the House [ ]

Held in the Office
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

This date 3-2-69
ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 589
(Originating in the Committee on the Judiciary)

[Passed February 21, 1969; in effect from passage.]

AN ACT to amend and reenact sections one, two, five and seven, article three, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the establishment of communication systems by the department of public safety; limiting the use thereof to police purposes; forbidding the use of radio transmitters on the state police frequency without authority; providing for the revocation of such authority; relating to intercepting messages transmitted on such systems and forbidding the use of such intercepted messages in certain cases; providing penalties; relating to certain personnel in the department of public safety and duties and powers of the superintendent.
Be it enacted by the Legislature of West Virginia:

That sections one, two, five and seven, article three, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. COMMUNICATION SYSTEMS FOR POLICE PURPOSES.

§15-3-1. Communication system for department of public safety.

1 The superintendent of the department of public safety is authorized and empowered to establish such systems of communication for the department as may be appropriate, including one or more radio broadcasting stations in the state, one of which shall be at the departmental headquarters. Such systems shall be used for police purposes only. The superintendent is further authorized and empowered to provide for the purchase of the necessary apparatus and equipment, and of materials for the construction and maintenance of such systems, and shall be responsible for the operation, maintenance and conduct thereof.
§15-3-2. Radio transmitters operating on the state police frequency.

1 No person in this state shall operate any radio transmitter on any frequency assigned by the federal communications commission to the department of public safety unless authorized by the superintendent of the department of public safety. Such authorization may be revoked by the superintendent whenever he finds that such transmitter is being operated in violation of any law or of any rule and regulation promulgated by the superintendent.

§15-3-5. Use of information obtained by interceptions of transmissions on department of public safety communications system forbidden; penalties.

1 No person shall intercept any message or transmission made on or over any communications system established by the department of public safety and use the information obtained thereby to aid, abet or assist in committing a crime, or in violating any law of this state, or use the same in a manner which will interfere with the discharge of the departments operations.

8 Any person who violates any provision of this section or of section two of this article shall be guilty of a mis-
demeanor, and, upon conviction thereof, shall be sentenced
to confinement in the county jail for a period not to exceed
five hundred dollars or by both such confinement and
fine in the discretion of the court.

§15-3-7. Staffs of police radio stations.

The superintendent of the department of public safety
may employ, establish the qualifications for and, within
the limits of available funds, fix the salaries of radio en-
gineers, radio technicians, radio operators, radio teletype
operators and other personnel as may be necessary to
effectuate the purposes of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 4th day of March, 1969.

Governor
PRESENTED TO THE GOVERNOR

Date 2/28/69

Time 10:00 A.M.