

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969



ENROLLED

Com. Sub. for
HOUSE BILL No. 589

(By ~~Mr.~~ *(Originating in the Committee on the Judiciary)*)



PASSED February 21, 1969

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-2-69

#589

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
2 is authorized and empowered to establish such systems
3 of communication for the department as may be appro-
4 priate, including one or more radio broadcasting stations
5 in the state, one of which shall be at the departmental
6 headquarters. Such systems shall be used for police
7 purposes only. The superintendent is further authorized
8 and empowered to provide for the purchase of the neces-
9 sary apparatus and equipment, and of materials for the
10 construction and maintenance of such systems, and shall
11 be responsible for the operation, maintenance and con-
12 duct thereof.

§15-3-2. Radio transmitters operating on the state police frequency.

1 No person in this state shall operate any radio trans-
2 mitter on any frequency assigned by the federal com-
3 munications commission to the department of public
4 safety unless authorized by the superintendent of the
5 department of public safety. Such authorization may be
6 revoked by the superintendent whenever he finds that
7 such transmitter is being operated in violation of any law
8 or of any rule and regulation promulgated by the super-
9 intendent.

§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
2 made on or over any communications system established
3 by the department of public safety and use the infor-
4 mation obtained thereby to aid, abet or assist in com-
5 mitting a crime, or in violating any law of this state, or
6 use the same in a manner which will interfere with the
7 discharge of the departments operations.

8 Any person who violates any provision of this section
9 or of section two of this article shall be guilty of a mis-

10 demeanor, and, upon conviction thereof, shall be sentenced
11 to confinement in the county jail for a period not to
12 exceed one year or by a fine of an amount not to exceed
13 five hundred dollars or by both such confinement and
14 fine in the discretion of the court.

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

1 The superintendent of the department of public safety
2 may employ, establish the qualifications for and, within
3 the limits of available funds, fix the salaries of radio en-
4 gineers, radio technicians, radio operators, radio teletype
5 operators and other personnel as may be necessary to
6 effectuate the purposes of this article.

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

William Tongue

Chairman Senate Committee

Clayton C. Davidson

Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Nease

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Lloyd D. Beason

President of the Senate

Sam F. Baier

Speaker House of Delegates

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

Arch A. Starnes Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 2/28/69

Time 10:00 AM.

1969 FEB 28 AM '69
STATE
ALABAMA