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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 238

(By Senator WOOTEN, ET AL)



PASSED MARCH 9 1995

In Effect 90 days ELCOM Passage

ENROLLED

Senate Bill No. 238

(BY SENATORS WOOTON, DITTMAR, BUCKALEW, YODER,
ROSS, OLIVERIO, WHITE AND WAGNER)

[Passed March 9, 1995; in effect ninety days from passage.]

AN ACT to amend article five, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to creating the misdemeanor offense of knowingly and willfully providing materially false information to the commission on special investigations or its personnel authorized to conduct investigations.

Be it enacted by the Legislature of West Virginia:

That article five, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

ARTICLE 5. COMMISSION ON SPECIAL INVESTIGATIONS.

§4-5-6. False statements to commission.

- 1 (a) A person is guilty of making a false statement to the
- 2 commission on special investigations when:
- 3 (1) Such person, with the intent to impede the commis-
- 4 sion or to impede an investigator of the commission

5 acting in the lawful exercise of his or her official duties,
6 knowingly and willfully makes any false, fictitious or
7 fraudulent statement or representation, or makes or uses
8 any false writing or document knowing the same to
9 contain any false, fictitious or fraudulent statement or
10 entry;

11 (2) Such statement, representation, writing or docu-
12 ment is made or given to the commission or an investiga-
13 tor of the commission acting in the lawful exercise of his
14 or her official duties; and

15 (3) The misrepresentation is material.

16 (b) The provisions of subsection (a) of this section are
17 not applicable to a person in the relation of husband and
18 wife, parent or grandparent, child or grandchild, brother
19 or sister, by consanguinity or affinity, of an individual
20 who is the subject of an investigation by the commission.

21 (c) Any person who violates the provisions of this
22 section is guilty of a misdemeanor, and, upon conviction
23 thereof, shall be fined not less than one hundred dollars
24 nor more than one thousand dollars, or confined in jail
25 for not more than one year, or both, in the discretion of
26 the court.

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

Carey Schomover
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell E. White
.....
Clerk of the Senate

Donald A. Kapp
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Edwin S. Redkey
.....
Speaker House of Delegates

The within *is approved* this the *17th*
day of *March* 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/16/95

Time 10:32am