WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4671

(By Delegates Michael, Boggs, Proudfoot, Ashley,
Browning, G. White and Stalnaker)

Passed March 13, 2004

In Effect Ninety Days from Passage
AN ACT to amend and reenact §15-2-43 of the code of West Virginia, 1931, as amended; and to amend and reenact §20-7-1d of said code, all relating to the disposal of law-enforcement weapons when replaced due to routine wear.

Be it enacted by the legislature of West Virginia:

That §15-2-43 of the code of West Virginia, 1931, as amended, be amended and reenacted; and that §20-7-1d of said code be amended and reenacted, all to read as follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-43. Awarding service revolver upon retirement and disposal of service weapon when replaced due to routine wear.

(a) Upon the retirement of a member of the West Virginia state police, the superintendent shall award to the retiring
member his or her service revolver, without charge, upon
determining:

(1) That the retiring member is retiring honorably with at
least twenty years of service; or

(2) Such retiring member is retiring with less than twenty
years of service based upon a determination that such member
is totally physically disabled as a result of his or her service
with the West Virginia state police.

(b) Notwithstanding the provisions of subsection (a) of this
section, the superintendent may not award his or her service
revolver to any member whom the superintendent finds to be
mentally incapacitated or who constitutes a danger to any
person or the community.

(c) The disposal of state police service weapons, when
replaced due to routine wear, shall not fall under the jurisdic-
tion of the agency for surplus property, within the purchasing
division of the department of administration. The superinten-
dent may offer these surplus weapons for sale to any active or
retired member of the state police, at fair market value, with the
proceeds from any sales used to offset the cost of the new
weapons.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-1d. Awarding service revolver upon retirement; disposal of
service weapon when replaced due to routine wear;
and furnishing uniform for burial.

(a) Upon the retirement of any full-time salaried conserva-
tion officer, the chief conservation officer shall award to the
retiring conservation officer his or her service revolver, without charge, upon determining:

(1) That the conservation officer is retiring honorably with at least twenty-five years of recognized law-enforcement service as determined by the chief conservation officer; or

(2) That such conservation officer is retiring with less than twenty-five years of service based upon a determination that he or she is totally physically disabled as a result of service with the division.

(b) Notwithstanding the provisions of subsection (a) of this section, the chief conservation officer shall not award a service revolver to any conservation officer who has been declared mentally incompetent by a licensed physician or any court of law, or who, in the opinion of the chief conservation officer, constitutes a danger to any person or the community.

(c) The disposal of law-enforcement service weapons, when replaced due to routine wear, shall not fall under the jurisdiction of the agency for surplus property, within the purchasing division of the department of administration. The chief conservation officer may offer these surplus weapons for sale to any active or retired division of natural resources law-enforcement officer, at fair market value, with the proceeds from any sales used to offset the cost of the new weapons.

(d) Upon the death of any current or honorably retired conservation officer, the chief conservation officer shall, upon request of the deceased officer’s family, furnish a full uniform for burial of the deceased officer.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 5th day of April, 2004.

Governor
PRESENTED TO THE GOVERNOR

DATE 5/31/64
TIME 10:30 A.M.