WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4601

(By Delegates Iaquinta, Swartzmiller, Longstreth, Pethel, Fleischauer, Pasdon, Nelson, Staggers, Paxton and Smith)

Passed March 10, 2012

To Take Effect Ninety Days From Passage
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-1B-27, relating to authorizing the West Virginia National Guard to participate in a federal asset forfeiture or sharing program; creating the West Virginia National Guard Counterdrug Forfeiture Fund administered by the Adjutant General; and authorizing the Adjutant General to propose rules.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended, by adding thereto a new section, designated §15-1B-27, to read as follows:

ARTICLE 1B. NATIONAL GUARD.

§15-1B-27. Asset Forfeiture and Asset Sharing.

(a) The West Virginia National Guard is authorized to participate in asset forfeiture and seizure programs
established by the United States government relating to drug
interdiction and counter-drug activities, pursuant to the

(b) (1) There is hereby created in the State Treasury a
special revenue account, designated the West Virginia
National Guard Counterdrug Forfeiture Fund which shall be
administered by the Adjutant General.

(2) Any balance in the account at the end of the fiscal
year shall not revert to the general revenue fund but shall
remain in the account, and be expended as provided in this
section. The fund shall consist of property seized or forfeited
to the United States under any federal asset, forfeiture or
sharing program and shared with the West Virginia National
Guard Counter Drug Program.

(3) Expenditures from the fund shall be for the purposes
set forth in this section and are not authorized from collections,
but are to be made only in accordance with appropriation by
the Legislature and in accordance with the provisions of article
three, chapter twelve of this code and upon the fulfillment of
the provisions set forth in article two, chapter eleven-b of this
code: Provided, that for fiscal year ending June 30, 2013,
expenditures are authorized from collections rather than
pursuant to an appropriation by the Legislature. Expenditures
from the fund shall be for facilities, equipment, administrative
expenses and to defray any other necessary expenses incidental
to and associated with the program.

(c) The Adjutant General shall propose rules pursuant to
article three, chapter twenty-nine-a of this code for the
operation of any asset forfeiture and asset sharing program by
the West Virginia National Guard Counterdrug Support
Program and for the operation of the special revenue fund
account established under this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within approved this the 30th
day of ____________ 2012.

Governor
PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 1:35 pm