WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2013

ENROLLED

COMMITTEE SUBSTITUTE FOR

House Bill No. 2498

(By Delegate(s) Marcum, Miley, Craig, Moore, White, Perry, Skaff, Nelson, E., Perro, Ferns and Eldridge)

Passed April 13, 2013

In effect ninety days from passage.
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §52-2-15, relating to grand jury proceedings; providing misdemeanor offense for disclosure of matters occurring before a grand jury under certain circumstances; providing exceptions; and providing criminal penalties.

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 §52-2-15 to read as follows:
ARTICLE 2. GRAND JURIES.


(a) A grand juror, an interpreter, a stenographer, an operator of a recording device, a typist who transcribes recorded testimony, an attorney for the state, or any person to whom disclosure is made under paragraph (B), subdivision (1), subsection(c) of this section, shall not disclose matters occurring before the grand jury, except as otherwise provided by subsection (c) of this section, and rules promulgated by the Supreme Court of Appeals.

(b) A person who knowingly violates subsection (a) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than $1,000 or confined in jail not more than thirty days, or both fined and confined.

(c) (1) Disclosure otherwise prohibited by this section of matters occurring before the grand jury, other than its deliberations and the vote of any grand juror, may be made to:

(A) An attorney for the state for use in the performance of such attorney’s duty; and

(B) Such official personnel as are deemed necessary by an attorney for the state to assist an attorney for the state in the performance of such attorney’s duty to enforce criminal law.

(2) Disclosure otherwise prohibited by this section of matters occurring before the grand jury may also be made:

(A) When so directed by a court preliminarily to or in connection with a judicial proceeding;

(B) When permitted by a court at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury;
(C) When the disclosure is made by an attorney for the state to another grand jury; or

(D) When permitted by a court at the request of an attorney for the state, upon a showing that such matters may disclose a violation of federal criminal law or of the law of another state, to an appropriate official of the federal government or of such other state for the purposes of enforcing such law.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Danny Wells
Chairman, House Committee

Rocky Fitzmorris
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Siegfried E. D./
Clerk of the House of Delegates

Joseph M. Minnich
Clerk of the Senate

Jeffrey D. K
Speaker of the House of Delegates

President of the Senate

The within is approved this the 29th day of April, 2013.

Earl Ray Tomblin
Governor
PRESENTED TO THE GOVERNOR

APR 29 2013

Time 2:10 pm