Committee Substitute

for

House Bill 2006

BY DELEGATES SHOTT, MR. SPEAKER (MR. ARMSTEAD),
HANSHAW, SOBONYA, ATKINSON, HILL, FLEISCHAUER,
PUSHKIN, LOVEJOY AND CANESTRARO

[Passed April 5, 2017; in effect ninety days from passage.]
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[Passed April 5, 2017; in effect ninety days from passage.]
AN ACT to amend and reenact §6C-1-6 of the Code of West Virginia, 1931, as amended, relating to increasing the penalties for violating the Whistle-Blower Law; increasing the civil fine; clarifying that the civil fine is a personal liability; removing the authority of the court to suspend a person from public service; authorizing a Court’s finding of a violation to be deemed a finding of official misconduct and malfeasance in office; providing that a court finding of a violation may be relied upon as admissible evidence in any subsequent proceeding or petition to remove the person from public office; authorizing a Court’s finding of a violation to be relied upon by the public body as a basis to impose discipline upon an employee; and clarifying that a civil action, civil penalty or a court finding under this section is not a condition or prerequisite for a public body to take disciplinary action.

Be it enacted by the Legislature of West Virginia:

That §6C-1-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. WHISTLE-BLOWER LAW.

§6C-1-6. Civil penalty; termination from public service.

(a) A person who, as an employer or under color of an employer’s authority, violates this article is personally liable for a civil fine of not more than $5,000. A civil fine which is collected under this section shall be paid to the State Treasurer for deposit into the General Fund.

(b) In addition to subsection (a) of this section, and notwithstanding any provision in this code to the contrary, if the court specifically finds that the person, while in the employment of a public body, committed a violation of section three of this article with the intent to discourage the disclosure of information, such finding: (1) shall be deemed a finding of official misconduct and malfeasance in office, and may be relied upon as admissible evidence in any subsequent proceeding or petition to remove the person from public office; and (2) may be relied upon by the public body as a basis to discipline the person, including, but not limited to, termination from employment. Provided, That nothing shall be construed as requiring a civil action, civil penalty or
a court finding under this section as a condition or prerequisite for a public body to take disciplinary action against the person.
Enr. CS for HB 2006

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.

In 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 is approved this the 18th day of April, 2017.

Governor