Committee Substitute

for

House Bill 2939

BY DELEGATE HAMILTON

[Passed April 5, 2017; in effect ninety days from passage.]
WEST VIRGINIA LEGISLATURE
2017 REGULAR SESSION

ENROLLED

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for
House Bill 2939

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[Passed April 5, 2017; in effect ninety days from passage.]
AN ACT to amend and reenact §15-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-2E-3 and §15-2E-5 of said code, all relating to the sale of items in the State Police Academy post exchange to the public.

Be it enacted by the Legislature of West Virginia:

That §15-2-17 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §15-2E-3 and §15-2E-5 of said code be amended and reenacted, all to read as follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-17. Unauthorized use of uniform, badge or other insignia; impersonation of member; penalty.

Every person who is not a member of the department is hereby forbidden to wear, use, order to be used or worn, copy or imitate in any respect or manner the uniform, badge, insignia and equipment prescribed for members of the West Virginia State Police, and any person who shall violate the provisions of this article, for which no other penalty is expressly provided, and any person who shall falsely represent himself or herself to be an officer or member of the West Virginia State Police, or to be under the order or direction of any officer or member of said department, or who shall, unless an officer or member thereof, wear the uniform prescribed for members of said department, or the badge or other insignia adopted or used by said department, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $200, or confined in the county jail for not more than six months, or both fined and confined: Provided, That items sold at the State Police post exchange as outlined in article two-e of this chapter do not qualify as agency issued uniforms, badge, insignia or equipment.

ARTICLE 2E. STATE POLICE ACADEMY POST EXCHANGE.

(a) The State Police post exchange may offer items for sale as approved by the superintendent.

(b) The post exchange may only be open at such times as may be established by the superintendent.

(c) The superintendent shall appoint state police employees to supervise the operation of the post exchange.

(d) The superintendent shall establish a system of bookkeeping, accounting and auditing procedures for the proper handling of funds derived from the operation of the post exchange.

(e) The superintendent shall post a sign in the post exchange which states: “In accordance with the provisions of section seventeen, article two, chapter fifteen of the code, it is unlawful for every person who is not a member of the State Police to wear or use the State Police uniform, badge, emblem or other insignia. Any person, who is not a member of the State Police, who wears or uses the State Police uniform, badge, emblem or other insignia shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined or jailed or both fined and jailed”.

§15-2E-5. Use of funds from post exchange revenue.

All proceeds derived from the operation of the post exchange and any money derived from the operation of vending machines, after the payment of operating expenses, notwithstanding any provision of this code to the contrary, must be used exclusively for the publication of the cadet class yearbook, capital outlay, equipment and for repair and alteration of the State Police academy.
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 24th day of April, 2017.

Governor
PRESENTED TO THE GOVERNOR

AUG 8, 2017

Time 3:15 pm