

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

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.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2017 APR 18 P 3:17

FILED

HB 2006

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[Passed April 5, 2017; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2011 APR 18 P 3:18

FILED

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. WHISTLE-BLOWER LAW.

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

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

4 (b) In addition to subsection (a) of this section, and notwithstanding any provision in this
5 code to the contrary, if the court specifically finds that the person, while in the employment of a
6 public body, committed a violation of section three of this article with the intent to discourage the
7 disclosure of information, such finding: (1) shall be deemed a finding of official misconduct and
8 malfeasance in office, and may be relied upon as admissible evidence in any subsequent
9 proceeding or petition to remove the person from public office; and (2) may be relied upon by the
10 public body as a basis to discipline the person, including, but not limited to, termination from
11 employment: *Provided*, That nothing shall be construed as requiring a civil action, civil penalty or

- 12 a court finding under this section as a condition or prerequisite for a public body to take disciplinary
- 13 action against the person.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman, House Committee

[Signature]
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Speaker of the House of Delegates

[Signature]
.....
President of the Senate

FILED
2017 APR 18 P 3 18
OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *18th*
day of *April* 2017.

[Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

APR 13 2017

Time 2:59 pm