WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4396

By Delegates Barnhart, Foster, Anderson, C.
Martin, Bartlett, D. Jeffries, Azinger, Campbell,
Howell, Hartman and Fast

[Passed March 4, 2020; in effect ninety days from passage.]
ENROLLED

House Bill 4396

BY DELEGATES BARNHART, FOSTER, ANDERSON, C.
MARTIN, BARTLETT, D. JEFFRIES, AZINGER, CAMPBELL,
HOWELL, HARTMAN AND FAST

[Passed March 4, 2020; in effect ninety days from passage.]
AN ACT to amend and reenact §7-1-16 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §8-1-9, all relating generally to the Commission on Special Investigations and the State Auditor being informed of fraud and misappropriations by county and municipal governments.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-16. Reporting of fraud and misappropriation of funds.

(a) Whenever a county commission, or any of a county’s boards, committees, or any other entities of any kind or nature authorized in this chapter, obtains information that an employee, officer or member of the county commission, or any of a county’s boards, committees, or any other entities of any kind or nature authorized in this chapter may have misappropriated funds, engaged in fraud, or otherwise violated a law relating to the public trust, the county commission, or the county’s board, committee, or other entity authorized in this chapter shall timely report that information or allegation in writing to the county prosecutor’s office, the Legislature’s Commission on Special Investigations and the State Auditor.

(b) The reporting of the information under subsection (a) of this section does not prevent, relieve or replace a report to a law-enforcement agency, if appropriate or warranted.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL PROVISIONS; CONSTRUCTION.

§8-1-9. Reporting of fraud and misappropriations of funds.

(a) Whenever a governing body for a municipality, or any of a municipality’s boards, committees, or any other entities of any kind or nature authorized in this chapter, obtains information that an employee, officer, or member of the municipality, or any of a municipality’s
boards, committees, or any other entities of any kind or nature authorized in this chapter may
have misappropriated funds, engaged in fraud, or otherwise violated a law relating to the public
trust, the governing body for a municipality, or the municipality’s board, committee, or other entity
authorized in this chapter shall timely report that information or allegation in writing to the county
prosecutor’s office, the Legislature’s Commission on Special Investigations and the State Auditor.
(b) The reporting of the information under subsection (a) of this section does not prevent,
relieve or replace a report to a law-enforcement agency, if appropriate or warranted.
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 25th day of March 2020.

Governor
PRESENTED TO THE GOVERNOR

MAR 13 2023

Time 2:00 pm