

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4396

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 P 4: 28

FILED

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.]

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1 AN ACT to amend and reenact §7-1-16 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §8-1-9, all relating generally
3 to the Commission on Special Investigations and the State Auditor being informed of fraud
4 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.

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

9 (b) The reporting of the information under subsection (a) of this section does not prevent,
10 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.

1 (a) Whenever a governing body for a municipality, or any of a municipality's boards,
2 committees, or any other entities of any kind or nature authorized in this chapter, obtains
3 information that an employee, officer, or member of the municipality, or any of a municipality's

4 boards, committees, or any other entities of any kind or nature authorized in this chapter may
5 have misappropriated funds, engaged in fraud, or otherwise violated a law relating to the public
6 trust, the governing body for a municipality, or the municipality's board, committee, or other entity
7 authorized in this chapter shall timely report that information or allegation in writing to the county
8 prosecutor's office, the Legislature's Commission on Special Investigations and the State Auditor.

9 (b) The reporting of the information under subsection (a) of this section does not prevent,
10 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.

Noel Caputo
.....
Chairman, House Committee

Mark R. Jayne
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harris
.....
Clerk of the House of Delegates

Jo Ann
.....
Clerk of the Senate

Les Tomblaw
.....
Speaker of the House of Delegates

Michael B. Carmichael
.....
President of the Senate

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SECRETARY OF STATE

The within is approved this the 25th
day of March, 2020.

James O. Eastman
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 13 2020

Time 2:00 pm