

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 276

BY SENATORS TRUMP, DEEDS, AND PHILLIPS

[Passed March 02, 2023; in effect from passage]

RECEIVED

2023 MAR 11 PM 6:01

SECRETARY OF STATE
STATE OF WEST VIRGINIA

SB 276

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 276

BY SENATORS TRUMP, DEEDS, AND PHILLIPS

[Passed March 02, 2023; in effect from passage]

SECRETARY OF STATE
STATE OF WEST VIRGINIA

2023 MAR 11 PM 6: 01

RECEIVED

1 AN ACT to amend and reenact §15A-10-25 of the Code of West Virginia, 1931, as amended,
2 relating to awarding the service weapon of a retiring State Fire Marshal, any full-time
3 deputy fire marshal, or any full-time assistant fire marshal employed by the State Fire
4 Marshal to the retiree without charge when the retiring member honorably retires with at
5 least 10 years of service or with less than 10 years of service based upon determination
6 that the retiring employee is totally physically disabled as a result of service with the State
7 Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the
8 State Fire Marshal knows is prohibited from possessing a firearm, is mentally
9 incapacitated, or a danger to any person or the community; authorizing the sale of service
10 weapons that are taken out of service due to routine wear to any active or retired State
11 Fire Marshal; providing that proceeds from the sales be used to offset the cost of new
12 service weapons; and exempting the sale from the requirements of the Purchasing
13 Division.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. FIRE MARSHAL.

§15A-10-25. Awarding service weapon upon retirement of fire marshal or service weapon.

1 (a) Upon the retirement of a State Fire Marshal, any full-time deputy fire marshal, or any
2 full-time assistant fire marshal employed by the State Fire Marshal pursuant to this article shall
3 award to the retiring member his or her service weapon, without charge, upon determining:

- 4 (1) That the retiring employee is retiring honorably with at least 10 years of service; or
5 (2) The retiring employee is retiring with less than 10 years of service based upon a
6 determination that the employee is totally physically disabled as a result of his or her service with
7 the State Fire Marshal.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the State Fire Marshal
9 shall not award a service weapon to any employee whom the State Fire Marshal: (1) Knows is
10 prohibited from possessing a firearm by state or federal law; (2) has reason to believe such retiring

11 employee to be mentally incapacitated; or (3) has reason to believe the retiring employee
12 constitutes a danger to any person or the community.

13 (c) If a service weapon is taken out of service due to routine wear, the State Fire Marshal
14 may offer the service weapon for sale to any active or retired State Fire Marshal, assistant state
15 fire marshal, or deputy state fire marshal, at fair market value, with the proceeds from any sales
16 used to offset the cost of new service weapons. The disposal of service weapons pursuant to this
17 subsection does not fall within the jurisdiction of the Purchasing Division of the Department of
18 Administration.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Joe Lamm
.....
Clerk of the Senate

Steve Hannon
.....
Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

RECEIVED
2023 MAR 11 PM 6:01
SECRETARY OF STATE
STATE OF WEST VIRGINIA

Cy Pr
.....
President of the Senate

Ken Harlow
.....
Speaker of the House of Delegates

The within is *approved* this the *11th*
Day of *March* 2023.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 06 2023

Time 2:57 pm