

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3139**

4
5 (By Delegates Sponaugle, R. Phillips, Manypenny and Longstreth)

6 (By request of the Secretary of State)

7 (Originating in the Committee on the Judiciary)

8 (March 29, 2013)

9
10 A BILL to amend and reenact §3-1A-8 of the Code of West Virginia,
11 1931, as amended, relating to qualified investigators employed
12 by the Secretary of State; authorizing the Secretary of State
13 to allow qualified investigators to carry firearms while
14 performing their official duties; establishing minimum
15 training and certification requirements; and requiring
16 qualified personnel to secure a license to carry a concealed
17 weapon in accordance with the provisions of the code.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §3-1A-8 of the Code of West Virginia, 1931, as amended,
20 be amended and reenacted to read as follows:

21 **ARTICLE 1A. STATE ELECTION COMMISSION AND SECRETARY OF STATE.**

22 **§3-1A-8. Investigators for the Secretary of State.**

23 (a) An employee of the Secretary of State, who has attended
24 a course of instruction at the State Police Academy or its
25 equivalent, has all the lawful powers delegated to members of the
26 ~~Department of Public Safety~~ state police to enforce the provisions

1 of this chapter and the criminal laws of the state in any county or
2 municipality of this state. The Secretary of State may allow an
3 investigator who has met the standards set forth in section four,
4 article seven, chapter sixty-one of this code to carry a firearm and
5 concealed weapon while performing their official duties: Provided,
6 That as a precondition of being authorized to carry a firearm or
7 concealed weapon in the course of their official duties, any such
8 designated personnel must obtain and maintain firearms training and
9 certification which is equivalent to that which is required of
10 members of the state police. The designated persons must also
11 possess a license to carry a concealed deadly weapon in the manner
12 prescribed in article seven, chapter sixty-one of this code, or
13 otherwise be exempted from the code's provisions.

14 (b) ~~An employee shall,~~ Before entering upon the discharge of
15 his or her duties, an employee shall execute a bond with security
16 in the sum of \$3,500, payable to the State of West Virginia,
17 conditioned for the faithful performance of his or her duties. ~~as~~
18 ~~such, and such~~ The bond shall be approved as to form by the Attorney
19 General and ~~the bond shall be~~ filed with the Secretary of State and
20 preserved in his or her office. The ~~Department of Public Safety~~
21 State Police and ~~any~~ a county sheriff or deputy sheriff or ~~any~~ a
22 municipal police officer, upon request by the Secretary of State or
23 his or her appointee, is authorized to assist the Secretary of State
24 or his or her appointee in enforcing the provisions of this chapter
25 and the criminal laws of the state.

