

1 **H. B. 2836**

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3 (By Delegates Boggs, White, Lane and Ellem)
4 [Introduced March 6, 2013; referred to the
5 Committee on the Judiciary.]
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10 A BILL to amend and reenact §4-5-2 of the Code of West Virginia,
11 1931, as amended, relating to the Commission on Special
12 Investigations generally; granting certain commission
13 personnel the right to carry firearms in the course of their
14 employment.

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

16 That §4-5-2 of the Code of West Virginia, 1931, as amended, be
17 amended and reenacted to read as follows:

18 **ARTICLE 5. COMMISSION ON SPECIAL INVESTIGATIONS.**

19 **§4-5-2. Powers and duties generally.**

20 The Commission on Special Investigations shall have the power,
21 duty and responsibility, upon a majority vote of the members
22 appointed, to:

23 (1) Conduct a comprehensive and detailed investigation into

1 the purchasing practices and procedures of the state;

2 (2) Determine if there is reason to believe that the laws or
3 public policy of the state in connection with purchasing practices
4 and procedures have been violated or are inadequate;

5 (3) Determine if any criminal or civil statutes relating to
6 the purchasing practices and procedures in this state are necessary
7 to protect and control the expenditures of money by the state;

8 (4) Investigate or examine any matter involving conflicts of
9 interest, bribery of state officials, malfeasance, misfeasance or
10 nonfeasance in office by any employee or officer of the state;

11 (5) Conduct comprehensive and detailed investigations to
12 determine if any criminal or civil statutes have been violated at
13 any level of state government;

14 (6) Determine whether to recommend criminal prosecution or
15 civil action for any violation, either criminal or civil, at any
16 level of state government and, if it is determined that action is
17 necessary, to make appropriate recommendation to the Attorney
18 General, prosecuting attorney or other authority empowered to act
19 on such recommendation; and

20 (7) Make such written reports to the members of the
21 Legislature between sessions thereof as the commission may deem
22 advisable and on the first day of each regular session of the
23 Legislature make an annual report to the Legislature containing the
24 commission's findings and recommendations including in such report

1 drafts of any proposed legislation which it deems necessary to
2 carry such recommendations into effect.

3 The commission is also expressly empowered and authorized to:

4 (1) Sit during any recess of the Senate and House of
5 Delegates;

6 (2) Recommend to the judge of any circuit court that a grand
7 jury be convened pursuant to the provisions of section fourteen,
8 article two, chapter fifty-two of this code, to consider any matter
9 which the commission may deem in the public interest and, in
10 support thereof, make available to such court and such grand jury
11 the contents of any reports, files, transcripts of hearings or
12 other evidence pertinent thereto;

13 (3) Employ such legal, technical, investigative, clerical,
14 stenographic, advisory and other personnel as it deems needed and,
15 within the appropriation herein specified, fix reasonable
16 compensation of such persons and firms as may be employed:

17 *Provided*, That such personnel as the commission may determine shall
18 have the authority to administer oaths and take affidavits and
19 depositions anywhere in the state: *Provided, however, That*
20 notwithstanding any provision of this code to the contrary,
21 specific personnel designated by the commission, who having met the
22 minimum standards set forth in section four, article seven, chapter
23 sixty-one of this code, may carry firearms in the course of their
24 official duties.

1 (4) Consult and confer with all persons and agencies, public
2 (whether federal, state or local) and private, that have
3 information and data pertinent to an investigation; and all state
4 and local governmental personnel and agencies shall cooperate to
5 the fullest extent with the commission;

6 (5) Call upon any department or agency of state or local
7 government for such services, information and assistance as it may
8 deem advisable; and

9 (6) Refer such matters as are appropriate to the office of the
10 United States attorney and cooperate with such office in the
11 disposition of matters so referred.

NOTE: The purpose of this bill is to allow certain Commission
on Special Investigations personnel the right to carry firearms in
the course of their employment.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.