

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2836**

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(BY DELEGATE(S) BOGGS, WHITE, LANE AND ELLEM)

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(Originating in the Committee on the Judiciary)

[March 29, 2013]

A BILL to amend and reenact §4-5-2 of the Code of West Virginia, 1931, as amended, relating to the Commission on Special Investigations generally; granting certain commission personnel the right to carry firearms in the course of their employment; establishing minimum training and certification requirements for such personnel; requiring such personnel to secure a license to carry a concealed weapon in accordance with the provisions of article seven, chapter sixty-one of this code.

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

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

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

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

1 (a) The Commission on Special Investigations shall have the  
2 power, duty and responsibility, upon a majority vote of the  
3 members appointed, to:

4 (1) Conduct a comprehensive and detailed investigation into  
5 the purchasing practices and procedures of the state;

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

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

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

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

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

24 (7) Make such written reports to the members of the  
25 Legislature between sessions thereof as the commission may  
26 deem advisable and on the first day of each regular session of the  
27 Legislature make an annual report to the Legislature containing  
28 the commission's findings and recommendations including in  
29 such report drafts of any proposed legislation which it deems  
30 necessary to carry such recommendations into effect.

31 (b) The commission is also expressly empowered and  
32 authorized to:

33 (1) Sit during any recess of the Senate and House of Dele-  
34 gates;

35           (2) Recommend to the judge of any circuit court that a grand  
36 jury be convened pursuant to the provisions of section fourteen,  
37 article two, chapter fifty-two of this code, to consider any matter  
38 which the commission may deem in the public interest and, in  
39 support thereof, make available to such court and such grand  
40 jury the contents of any reports, files, transcripts of hearings or  
41 other evidence pertinent thereto;

42           (3) Employ such legal, technical, investigative, clerical,  
43 stenographic, advisory and other personnel as it deems needed  
44 and, within the appropriation herein specified, fix reasonable  
45 compensation of such persons and firms as may be employed:  
46 *Provided*, That such personnel as the commission may determine  
47 shall have the authority to administer oaths and take affidavits  
48 and depositions anywhere in the state.

49           (4) Consult and confer with all persons and agencies, public  
50 (whether federal, state or local) and private, that have informa-  
51 tion and data pertinent to an investigation; and all state and local  
52 governmental personnel and agencies shall cooperate to the  
53 fullest extent with the commission;

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

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

60 (c) Notwithstanding any provision of this code to the  
61 contrary, specific personnel may be designated by the commis-  
62 sion to carry a firearm in the course of performing his or her  
63 official duties: *Provided*, That as a precondition of being  
64 authorized to carry a concealed weapon in the course of their  
65 official duties, any such designated personel must have first  
66 successfully completed a firearms training and certification  
67 program which is equivalent to that which is required of  
68 members of the state police. The designated persons must also  
69 possess a license to carry a concealed deadly weapon in the  
70 manner prescribed in article seven, chapter sixty-one of this  
71 code.





