

COMMITTEE SUBSTITUTE

FOR

# **H. B. 3139**

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(BY DELEGATE(S) SPONAUGLE, R. PHILLIPS,

MANYPENNY AND LONGSTRETH)

(BY REQUEST OF THE SECRETARY OF STATE)

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(Originating in the Committee on the Judiciary)

(March 29, 2013)

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

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

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

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

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

1        (a) An employee of the Secretary of State, who has attended  
2 a course of instruction at the State Police Academy or its  
3 equivalent, has all the lawful powers delegated to members of  
4 the ~~Department of Public Safety~~ state police to enforce the  
5 provisions of this chapter and the criminal laws of the state in  
6 any county or municipality of this state. The Secretary of State  
7 may allow an investigator who has met the standards set forth in  
8 section four, article seven, chapter sixty-one of this code to carry  
9 a firearm and concealed weapon while performing their official  
10 duties: *Provided*, That as a precondition of being authorized to  
11 carry a firearm or concealed weapon in the course of their  
12 official duties, any such designated personnel must obtain and  
13 maintain firearms training and certification which is equivalent  
14 to that which is required of members of the state police. The  
15 designated persons must also possess a license to carry a

16 concealed deadly weapon in the manner prescribed in article  
17 seven, chapter sixty-one of this code, or otherwise be exempted  
18 from the code's provisions.

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

