

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 267**

5 (SENATORS PALUMBO, KESSLER (MR. PRESIDENT), COOKMAN AND FITZSIMMONS,
6 *original sponsors*)

7 _____
8 [Passed March 8, 2014; in effect ninety days from passage.]
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10
11 AN ACT to amend and reenact §6-9-2c of the Code of West Virginia,
12 1931, as amended; and to amend and reenact §12-3-10b of said
13 code, all relating to fraudulent or unauthorized use of
14 purchasing cards; ensuring that the courts of West Virginia
15 have jurisdiction over fraudulent or unauthorized use of
16 purchasing cards; establishing jurisdiction; and defining the
17 conduct as a continuing offense.

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

19 That §6-9-2c of the Code of West Virginia, 1931, as amended,
20 be amended and reenacted; and that §12-3-10b of said code be
21 amended and reenacted, all to read as follows:

22 **CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.**

23 **ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.**

24 **§6-9-2c. Fraudulent or unauthorized use of purchasing card**
25 **prohibited; penalties.**

1 (a) It is unlawful for any person to use a local government
2 purchasing card, issued in accordance with the provisions of
3 section two-a of this article, to make any purchase of goods or
4 services in a manner which is contrary to the provisions of section
5 two-a of this article or the rules promulgated pursuant to that
6 section.

7 (b) It is unlawful for any person to knowingly or
8 intentionally possess with the intent to use a purchasing card
9 without authorization pursuant to section two-a of this article or
10 the rules promulgated pursuant to that section.

11 (c) Any person who violates the provisions of this section is
12 guilty of a felony and, upon conviction thereof, shall be confined
13 in a state correctional facility not less than one year nor more
14 than five years, or fined no more than \$5,000, or both fined and
15 imprisoned.

16 (d) A violation of this section may be prosecuted in the
17 county in which the card was issued, unlawfully obtained,
18 fraudulently used, used without authorization, or where any
19 substantial or material element of the offense occurred.

20 **CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

21 **ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.**

22 **§12-3-10b. Fraudulent or unauthorized use of purchasing card**
23 **prohibited; penalties.**

24 (a) It is unlawful for any person to use a state purchasing
25 card, issued in accordance with the provisions of section ten-a of

1 this article, to make any purchase of goods or services in a manner
2 which is contrary to the provisions of section ten-a of this
3 article or the rules promulgated pursuant to that section.

4 (b) It is unlawful for any person to knowingly or
5 intentionally possess with the intent to use a purchasing card
6 without authorization pursuant to section ten-a of this article or
7 the rules promulgated pursuant to that section.

8 (c) Any person who violates the provisions of this section is
9 guilty of a felony and, upon conviction thereof, shall be
10 imprisoned in the penitentiary not less than one year nor more than
11 five years, or fined no more than \$5,000, or both fined and
12 imprisoned.

13 (d) A violation of this section may be prosecuted in the
14 county in which the card was issued, unlawfully obtained,
15 fraudulently used, used without authorization, or where any
16 substantial or material element of the offense occurred.