WEST VIRGINIA LEGISLATURE

EIGHTY-FIRST LEGISLATURE

REGULAR SESSION, 2014

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E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 267

(Senators Palumbo, Kessler (Mr. President), Cookman and Fitzsimmons, *original sponsors*)

[Passed March 8, 2014; in effect ninety days from passage.]

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AND FITZSIMMONS, *original sponsors*)

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AN ACT to amend and reenact §6-9-2c of the Code of West Virginia, 1931, as amended; and to amend and reenact §12-3-10b of said code, all relating to fraudulent or unauthorized use of purchasing cards; ensuring that the courts of West Virginia have jurisdiction over fraudulent or unauthorized use of purchasing cards; establishing jurisdiction; and defining the conduct as a continuing offense.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 9. SUPERVISION OF LOCAL GOVERNMENT OFFICES.

§6-9-2c. Fraudulent or unauthorized use of purchasing card 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
4   or services in a manner which is contrary to the provisions of
5   section two-a of this article or the rules promulgated pursuant
6   to that 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
10   or the rules promulgated pursuant to that section.

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

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

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

1   (a) It is unlawful for any person to use a state purchasing
2   card, issued in accordance with the provisions of section

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

....
      Chairman Senate Committee

                 ....
                      Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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         Clerk of the Senate

         ....
            Clerk of the House of Delegates

             ....
                President of the Senate

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              Speaker of the House of Delegates

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The within .... this

the .... Day of ...., 2014.

              ....
                    Governor