

E N G R O S S E D

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 267**

(By Senators Palumbo, Kessler (Mr. President), Cookman and  
Fitzsimmons)

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[Originating in the Committee on the Judiciary;  
reported January 29, 2014.]

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A BILL 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           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: Provided, That such action is a continuing  
7   offense beginning when the purchasing card is issued or  
8   obtained by the person and that jurisdiction to prosecute rests  
9   with any county where the card was issued, obtained, used  
10   fraudulently, used without authorization or where any  
11   substantial or material element of the offense occurred. Any  
12   person who violates the provisions of this section is guilty of  
13   a felony and, upon conviction thereof, shall be confined in a

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14 state correctional facility not less than one year nor more than  
15 five years, or fined no more than \$5,000, or both fined and  
16 imprisoned.

**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 It is unlawful for any person to use a state purchase card,  
2 issued in accordance with the provisions of section ten-a of  
3 this article, to make any purchase of goods or services in a  
4 manner which is contrary to the provisions of section ten-a of  
5 this article or the rules promulgated pursuant to that section:  
6 Provided, That such action is a continuing offense beginning  
7 when the purchasing card is issued or obtained by the person  
8 and that jurisdiction to prosecute rests with any county where  
9 the card was issued, obtained, used fraudulently, used  
10 without authorization or where any substantial or material  
11 element of the offense occurred. Any person who violates the  
12 provisions of this section is guilty of a felony and, upon

13 conviction thereof, shall be imprisoned in the penitentiary not  
14 less than one year nor more than five years, or fined no more  
15 than \$5,000, or both fined and imprisoned.