

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4279

(BY DELEGATES HAMILTON, A. EVANS, ROMINE, WAGNER,
AMBLER, ELDRIDGE, PETHTEL, SPONAUGLE
AND GUTHRIE)

[Originating in the Committee on the Judiciary,
February 25, 2016.]

1 A BILL to amend and reenact §20-7-8 of the Code of West Virginia, 1931, as amended, relating
2 to maintenance and disposition of impounded and seized firearms by the Division of
3 Natural Resources.

Be it enacted by the Legislature of West Virginia:

1 That §20-7-8 of the Code of West Virginia, 1931, be amended and reenacted to read as
2 follows:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

§20-7-8. Seizure and disposition of property used for illegal purpose.

1 (a) Any officer, when he or she arrests or otherwise takes a person into custody for
2 violating any provision or provisions of this chapter, ~~is hereby also authorized and empowered to~~
3 may take and impound any property found in the possession of the accused and susceptible of
4 use in committing the offense of which the person is accused. ~~Such~~ The property ~~shall include~~
5 includes firearms, fishing equipment, traps, boats, or any other device, appliance or conveyance,
6 but ~~shall~~ does not include dogs. Reasonable care shall be provided in order to protect the
7 condition of the item or items impounded.

8 (b) If the accused is acquitted the property seized shall be returned. If the accused is
9 convicted and pays the fine, costs and other penalties, the property shall be returned, but if the
10 accused fails to pay the fine and costs, the property shall be sold at public auction in ~~such a~~
11 manner as the director may prescribe prescribes. The proceeds of the sale shall be applied toward
12 the payment of the fine and costs. The remainder, if any, shall be paid to the owner of the seized
13 property.

14 (c) Whenever a person is convicted of a violation of this chapter a second time, the
15 property seized at the time of arrest shall in any case be declared forfeited to the state and shall
16 be sold in the manner provided by this section.

17 (d) Property seized, the use of which is forbidden by this chapter, or which is unfit or unsafe
18 for further use, shall be declared forfeited to the state and shall be disposed of by the director.

19 (e) Notwithstanding any provision of this section to the contrary, disposition of firearms not
20 returned pursuant to subsection (b) above shall be solely in accordance with the provisions of
21 article eight-a, chapter thirty-six of this code.