

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 272**

BY SENATORS BLAIR, GAUNCH, PLYMALE AND ROMANO

[Introduced January 14, 2016; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §5-3-6, relating to Attorney General’s investigators; allowing them to carry  
 3 concealed weapons under certain circumstances; and limiting liability for certain acts of  
 4 investigators.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §5-3-6, to read as follows:

**ARTICLE 3. ATTORNEY GENERAL.**

**§5-3-6. Attorney General’s investigators authority to carry concealed weapon.**

1 (a) The Attorney General may allow an investigator who has met the standards set forth  
 2 in section four, article seven, chapter sixty-one of this code to carry a firearm or concealed weapon  
 3 while performing the investigator’s official duties if the investigator has obtained and maintains  
 4 firearms training and certification which is equivalent to that which is required of members of the  
 5 State Police. The designated investigator must also possess a license to carry a concealed deadly  
 6 weapon in the manner prescribed in article seven, chapter sixty-one of this code, or otherwise be  
 7 exempted from the code's provisions.

8 (b) Neither the state, a political subdivision, an agency nor an employee of the state acting  
 9 in an official capacity, may be held personally liable for an act of an investigator employed by the  
 10 Attorney General if the act or omission was done in good faith while the investigator was  
 11 performing official duties or responsibilities under the office of the Attorney General.

NOTE: The purpose of this bill is to allow investigators from the Attorney General’s office to carry concealed weapons under certain circumstances. It also limits liability for certain acts of investigators.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.