

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2939**

BY DELEGATE HAMILTON

[Originating in the Committee on Government

Organization; Reported March 22, 2017]



1 A BILL to amend and reenact §15-2-17 of the Code of West Virginia, 1931, as amended; to amend  
2 and reenact §15-2E-3 and §15-2E-5 of said code, all relating to the sale of items in the  
3 State Police Academy post exchange to the public.

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

1 That §15-2-17 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted; that §15-2E-3 and §15-2E-5 of said code be amended and reenacted, all to read as  
3 follows:

## **CHAPTER 15. PUBLIC SAFETY.**

### **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

#### **§15-2-17. Unauthorized use of uniform, badge or other insignia; impersonation of member; penalty.**

1 Every person who is not a member of the department is hereby forbidden to wear, use,  
2 order to be used or worn, copy or imitate in any respect or manner the uniform, badge, insignia  
3 and equipment prescribed for members of the ~~department of public safety~~ West Virginia State  
4 Police, and any person who shall violate the provisions of this article, for which no other penalty  
5 is expressly provided, and any person who shall falsely represent himself or herself to be an  
6 officer or member of the ~~department of public safety~~ West Virginia State Police, or to be under  
7 the order or direction of any officer or member of said department, or who shall, unless an officer  
8 or member thereof, wear the uniform prescribed for members of said department, or the badge  
9 or other insignia adopted or used by said department, shall be guilty of a misdemeanor, and, upon  
10 conviction thereof, shall be fined not more than \$200, or ~~imprisoned~~ confined in the county jail for  
11 not more than six months, or both fined and ~~imprisoned~~ confined: Provided, That items sold at  
12 the State Police post exchange as outlined in article two-e of this chapter do not qualify as agency  
13 issued uniforms, badge, insignia or equipment.

### **ARTICLE 2E. STATE POLICE ACADEMY POST EXCHANGE.**

**§15-2E-3. Operation of post exchange.**

1 (a) The State Police post exchange may offer ~~certain limited~~ items for sale as approved  
2 by the superintendent. ~~to persons attending training at the State Police academy, to persons~~  
3 ~~actively employed by the State Police and to persons retired from employment with the State~~  
4 ~~Police~~

5 (b) The post exchange may only be open at such times as may be established by the  
6 superintendent.

7 (c) The superintendent shall appoint state police employees to supervise the operation of  
8 the post exchange.

9 (d) The superintendent shall establish a system of bookkeeping, accounting and auditing  
10 procedures for the proper handling of funds derived from the operation of the post exchange.

11 (e) The superintendent shall post a sign in the post exchange which states: "In accordance  
12 with the provisions of section seventeen, article two, chapter fifteen of the code, it is unlawful for  
13 every person who is not a member of the State Police to wear or use the State Police uniform,  
14 badge, emblem or other insignia. Any person, who is not a member of the State Police, who wears  
15 or uses the State Police uniform, badge, emblem or other insignia shall be guilty of a misdemeanor  
16 and, upon conviction thereof, shall be fined or jailed or both fined and jailed".

**§15-2E-5. Use of funds from post exchange revenue.**

1 All proceeds derived from the operation of the post exchange and any money derived from  
2 the operation of vending machines, after the payment of operating expenses, notwithstanding any  
3 provision of this code to the contrary, must be used exclusively for the publication of the cadet  
4 class yearbook, capital outlay, equipment and for repair and alteration of the State Police  
5 academy.

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