

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 348

BY SENATOR MAYNARD

[Originating in the Committee on the Judiciary;

Reported on February 12, 2018]

1 A BILL to amend and reenact §20-7-1d and §20-7-1f of the Code of West Virginia, 1931, as
2 amended, all relating to awarding service sidearm or handgun to natural resources police
3 officers and special natural resources police officers upon retirement; modifying terms to
4 reference sidearm or handguns rather than revolvers; modifying provisions relating to
5 disposal of service sidearm or handgun when they are replaced due to routine wear;
6 exempting sidearm or handguns replaced due to routine wear from surplus property
7 provisions and authorizing sale of such sidearm or handguns to officers at fair market
8 value; and furnishing uniform for burial.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

**§20-7-1d. Awarding service ~~revolver~~ sidearm or handgun upon retirement; disposal of
service ~~weapon~~ sidearm or handgun when replaced due to routine wear; and
furnishing uniform for burial.**

1 (a) Upon the retirement of any full-time salaried natural resources police officer, the chief
2 natural resources police officer shall award to the retiring natural resources police officer his or
3 her service ~~revolver~~ sidearm or handgun, without charge, upon determining:

4 (1) That the natural resources police officer is retiring honorably with at least 25 years of
5 recognized law-enforcement service as determined by the chief natural resources police officer;
6 or

7 (2) That the natural resources police officer is retiring with less than 25 years of service
8 based upon a determination that he or she is totally physically disabled as a result of service with
9 the division.

10 (b) Notwithstanding the provisions of §20-7-1d(a) of this code, the chief natural resources
11 police officer may not award a service ~~revolver~~ sidearm or handgun to any natural resources
12 police officer who has been declared mentally incompetent by a licensed physician or any court

13 of law, or who, in the opinion of the chief natural resources police officer, constitutes a danger to
14 any person or the community.

15 (c) The disposal of law-enforcement service ~~weapons~~ sidearms or handguns, when
16 replaced due to routine wear, does not fall under the jurisdiction of the agency for surplus property,
17 within the Purchasing Division of the Department of Administration. The chief natural resources
18 police officer may offer these surplus ~~weapons~~ sidearms or handguns for sale to any active or
19 retired Division of Natural Resources law-enforcement officer, at fair market value, with the
20 proceeds from any sales used to offset the cost of the new sidearm or handguns.

21 (d) Upon the death of any current or honorably retired natural resources police officer, the
22 chief natural resources police officer shall, upon the request of the deceased officer's family,
23 furnish a full uniform for burial of the deceased officer.

**§20-7-1f. Awarding service ~~revolver~~ sidearm or handgun to special natural resources
police officers upon retirement; disposal of service sidearm or handgun when
replaced due to routine wear; furnishing uniform for burial.**

1 (a) Upon the retirement of any special natural resources police officer selected and
2 appointed pursuant to §20-7-1 of this code, the chief of the officer's section shall award to the
3 retiring special natural resources police officer his or her service ~~revolver~~ sidearm or handgun,
4 without charge, upon determining:

5 (1) That the special natural resources police officer is retiring honorably with at least 25
6 years of recognized special law-enforcement service as determined by the chief natural resources
7 police officer; or

8 (2) That the special natural resources police officer is retiring with less than 25 years of
9 service based upon a determination that he or she is totally physically disabled as a result of
10 service with the division.

11 (b) Notwithstanding the provisions of §20-7-1f(a) of this code, the section chief may not
12 award a service ~~revolver~~ sidearm or handgun to any special natural resources police officer who

13 has been declared mentally incompetent by a licensed physician or any court of law, or who, in
14 the opinion of the chief natural resources police officer constitutes a danger to any person or the
15 community.

16 (c) Upon the death of any current or honorably retired special natural resources police
17 officer, the respective chief shall, upon request of the deceased officer's family, furnish a full
18 uniform for burial of the deceased officer.

19 (d) The disposal of special natural resources police officers' service sidearms or
20 handguns, when replaced due to routine wear, does not fall under the jurisdiction of the agency
21 for surplus property, within the Division of Purchasing of the Department of Administration. The
22 chief of the section of Parks and Recreation and the chief of the Wildlife Resources Section of the
23 Division of Natural Resources may offer these surplus sidearms or handguns for sale to any active
24 or retired special natural resources police officer, at fair market value, with the proceeds from any
25 sales used to offset the cost of new sidearms or handguns.