

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 567

BY SENATOR WELD

[Introduced February 16, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating
 2 to including treason, murder, armed robbery, and organized crime to the list of crimes for
 3 which a prosecutor can apply for order authorizing interception of communications.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1D. WIRETAPPING AND ELECTRONIC SURVEILLANCE ACT.

§62-1D-8. County prosecuting attorney or duly appointed special prosecutor may apply for order authorizing interception.

1 The prosecuting attorney of any county or duly appointed special prosecutor may apply to
 2 one of the designated circuit judges referred to in §62-1D-7 of this code and such judge, in
 3 accordance with the provisions of this article, may grant an order authorizing the interception of
 4 wire, oral or electronic communications by an officer of the investigative or law-enforcement
 5 agency when the prosecuting attorney or special prosecutor has shown reasonable cause to
 6 believe the interception would provide evidence of the commission of: (i) Kidnapping or abduction
 7 as defined and prohibited by the provisions of §61-2-14 and §61-2-14(a) of this code and including
 8 threats to kidnap or demand ransom as defined and prohibited by the provisions of §61-2-14(c);
 9 (ii) of any offense included and prohibited by § 25-4-11 of this code, §61-5-8 through §61-5-10 of
 10 this code, or §62-8-1 of this code to the extent that any of said sections provide for offenses
 11 punishable as a felony; (iii) dealing, transferring or trafficking in any controlled substance or
 12 substances in the felonious violation of §60A-1-1 *et seq.* of this code; (iv) of any offense included
 13 and prohibited by §61-14-1 *et seq.* of this code; or (v) any aider or abettor to any of the foregoing
 14 offenses or any conspiracy to commit any of the foregoing offenses if any aider, abettor or
 15 conspirator is a party to the communication to be intercepted; (vi) treason as defined in §61-1-1
 16 of this code; (vii) murder as defined in §61-2-1 of this code; (viii) armed robbery as defined in §61-
 17 2-12(a) of this code; or (ix) organized crime as defined in §61-13-2 of this code.

NOTE: The purpose of this bill is to add treason, murder, armed robbery, and organized crimes to the list of crimes wherein communications can be intercepted.

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