

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4561

BY DELEGATES FRICH AND SOBONYA

[Introduced February 13, 2018; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then the Judiciary.]

1 A BILL to amend and reenact §60A-5-501 of the Code of West Virginia, 1931, as amended,
 2 relating to authorizing prosecuting attorneys to appoint the Attorney General or an
 3 assistant of the Attorney General as a special prosecutor to enforce provisions of the
 4 Uniform Controlled Substances Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.

§60A-5-501. Powers of enforcement personnel.

1 (a) Any member of the State Police, any sheriff, any deputy sheriff, any municipal police
 2 officer and any campus police officer may in the enforcement of the provisions of this act:

3 (1) Carry firearms;

4 (2) Execute and serve search warrants, arrest warrants, subpoenas, and summonses
 5 issued under the authority of this state;

6 (3) Make arrests without warrant for any offense under this act committed in his or her
 7 presence, or if he or she has probable cause to believe that the person to be arrested has
 8 committed or is committing a violation of this act which may constitute a felony;

9 (4) Make seizures of property pursuant to this act; or

10 (5) Perform such other law-enforcement duties as said state Board of Pharmacy or said
 11 appropriate department, board or agency, as specified in §60A-3-301 of this code, designates.

12 (b) All officers, agents, inspectors, and representatives of the said state Board of
 13 Pharmacy and of the said appropriate department, board, or agency, as specified in §60A-3-301
 14 of this code, and members of the State Police may execute and serve administrative warrants
 15 issued incident to the enforcement of the provisions of this act. Any such officer, agent, inspector,
 16 and representative of the said state Board of Pharmacy and of the said appropriate department,
 17 board, or agency, as specified in said §60A-3-301 of this code, may:

18 (1) Execute and serve subpoenas and summonses issued under the authority of this state;

19 (2) Make arrests without warrant for any offense under this act committed in his or her

20 presence, or if he or she has probable cause to believe that the person to be arrested has
21 committed or is committing a violation of this act which may constitute a felony; or

22 (3) Make seizures of property pursuant to this act.

23 (c) All prosecuting attorneys and the Attorney General, or any of their assistants, shall
24 assist in the enforcement of all provisions of this act and shall cooperate with all agencies charged
25 with the enforcement of the laws of the United States, of this state, and of all other states relating
26 to controlled substances. All prosecuting attorneys are authorized to appoint the Attorney General
27 or an assistant of the Attorney General as a special prosecutor to enforce provisions of this act.

NOTE: The purpose of this bill is to address the opioid epidemic by authorizing prosecuting attorneys to appoint the Attorney General or an assistant of the Attorney General as a special prosecutor to enforce provisions of the Uniform Controlled Substances Act.

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