

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 61

SENATORS WELD AND TRUMP, *original sponsors*

[Originating in the Committee on the Judiciary;

Reported on January 15, 2019]

1 A BILL to amend and reenact §62-1D-8 of the Code of West Virginia, 1931, as amended, relating
2 to including the crimes of treason, first and second degree murder, first degree robbery,
3 and participation in an organized criminal enterprise to the list of crimes for which a
4 prosecutor may apply for a court 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 the 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: (1) Kidnapping or
7 abduction, as defined and prohibited by the provisions of §61-2-14 and §61-2-14a of this code
8 and including threats to kidnap or demand ransom, as defined and prohibited by the provisions of
9 §61-2-14c of this code; (2) any offense included and prohibited by §25-4-11, §61-5-8, §61-5-9,
10 and §61-5-10 or §62-8-1 of this code to the extent that any of said sections provide for offenses
11 punishable as a felony; (3) felony violations of §60A-1-101 *et seq.* of this code; (4) violations of
12 §61-14-1 *et seq.* of this code; (5) violations of §61-2-1 of this code; (6) violations of §61-2-12 of
13 this code; (7) felony violations of §61-8B-1 *et seq.* of this code; (8) violations of §61-1-1 of this
14 code; (9) violations of §61-13-3 of this code; (10) treason, as defined in §61-1-1 of this code; (11)
15 murder, as defined in §61-2-1 of this code; (12) robbery, as defined in §61-2-12(a) of this code;
16 (13) extortion or attempted extortion, as defined in §61-2-13 of this code; (14) participation in an
17 organized criminal enterprise, as defined in §61-13-2 of this code; or (15) any aider or abettor to
18 any of the offenses referenced in this section or any conspiracy to commit any of the offenses

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19 referenced in this section if any aider, abettor, or conspirator is a party to the communication to
20 be intercepted.