

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

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 abduction
7 as defined and prohibited by the provisions of §61-2-14 and §61-2-14a of this code and including
8 threats to kidnap or demand ransom as defined and prohibited by the provisions of §61-2-14c of
9 this code; (2) any offense included and prohibited by §25-4-11, §61-5-8, §61-5-9, and §61-5-10
10 or §62-8-1 of this code to the extent that any of said sections provide for offenses punishable as
11 a felony; (3) felony violations of §60A-1-101 *et seq.* of this code; (4) violations of §61-14-1 *et seq.*
12 of this code; (5) violations of §61-2-1 of this code; (6) violations of §61-2-12 of this code; (7) felony
13 violations of §61-8B-1 *et seq.* of this code; (8) violations of §61-1-1 of this code; (9) violations of
14 §61-13-3 of this code; (10) treason, as defined in §61-1-1 of this code; (11) murder, as defined in
15 §61-2-1 of this code; (12) robbery, as defined in §61-2-12(a) of this code; (13) participation in an
16 organized criminal enterprise, as defined in §61-13-2 of this code; or (14) any aider or abettor to
17 any of the offenses referenced in this section or any conspiracy to commit any of the offenses
18 referenced in this section if any aider, abettor, or conspirator is a party to the communication to
19 be intercepted.