

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4534

BY DELEGATES BARRETT, STEELE, REYNOLDS, FOSTER,
SMITH, AND WAMSLEY

[By the request of the Department of Homeland Security]

[Introduced February 03, 2022; Referred to the
Committee on Veterans' Affairs and Homeland
Security then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §15-2D-8, relating to awarding the service weapon of a retiring Division of
3 Protective Services member to the retiree without charge when the retiring member
4 honorably retires with at least 10 years of service or with less than 10 years of service
5 based upon determination that the retiring member is totally physically disabled as a result
6 of service with the Division of Protective Services; prohibiting the award of a service
7 weapon to a retiring member whom the Division of Protective Services knows is prohibited
8 from possessing a firearm, is mentally incapacitated, or a danger to any person or the
9 community; authorizing the sale of service weapons that are taken out of service due to
10 routine wear to any active or retired Division of Protective Services member; providing that
11 proceeds from the sales be used to offset the cost of new service weapons; and exempting
12 the sale from the requirements of the Purchasing Division.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2D. DIVISION OF PROTECTIVE SERVICES.

§15-2D-8. Awarding service weapon upon retirement of Division of Protective Services member.

1 (a) Upon the retirement of a member of the Division of Protective Services, including the
2 Director of the Division of Protective Services and Deputy Director of the Division of Protective
3 Services, the Division of Protective Services shall award to the retiring member his or her service
4 weapon, without charge, upon determining:

5 (1) That the member is retiring honorably with a minimum of 10 years of service; or
6 (2) The member is retiring with less than 10 years of service based upon a determination
7 that the employee is totally physically disabled as a result of his or her service with the Division
8 of Protective Services.

9 (b) Notwithstanding the provisions of subsection (a) of this section, the Division of
10 Protective Services shall not award a service weapon to any member whom the Division of

11 Protective Services knows:

12 (1) Is prohibited from possessing a firearm by state or federal law;

13 (2) Has reason to believe such retiring member to be mentally incapacitated; or

14 (3) Has reason to believe the retiring member constitutes a danger to any person or the
15 community.

16 (c) If a service weapon is taken out of service due to routine wear, the Division of Protective
17 Services may offer the service weapon for sale, at fair market value, to any active or retired
18 Division of Protective Services member. The Director of the Division of Protective Services, or his
19 or her designee, may use the proceeds from any sales to offset the cost of new service weapons.
20 The disposal of service weapons pursuant to this section does not fall within the jurisdiction of the
21 Purchasing Division of the Department of Administration.

NOTE: The purpose of this bill is to allow the Division of Protective Services to award to a member his or her service weapon if retiring honorably with at least 10 years of service or if less than 10 years, when such member has been totally physically disabled as a result of his or her service. The bill also prohibits such award of a service weapon upon certain conditions and further allows retired or current members to buy service weapons being removed from service due to routine wear.

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