

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 131

By Senators Nelson, Woodrum, Jeffries, Phillips,
Trump, Deeds, Stuart, Queen, Smith, Rucker,
Hamilton, and Maroney

[Introduced January 11, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §8-15-28, relating to municipal fire departments; providing for municipal fire
3 departments to provide service weapons to municipal fire marshal upon retirement in
4 certain circumstances; and allowing the sale of retired service weapons to active and
5 retired fire marshals.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL
SERVICE FOR PAID FIRE DEPARTMENTS.**

§8-15-28. Awarding service weapon upon retirement.

1 (a) Upon the retirement of a municipal fire marshal, any full-time deputy fire marshal, or any
2 full-time assistant fire marshal employed pursuant to this article, the municipal fire department
3 shall award to the retiring member his or her service weapon, without charge, upon determining:

- 4 (1) That the retiring employee is retiring honorably with at least 20 years of service; or
5 (2) The retiring employee is retiring with less than 20 years of service based upon a
6 determination that the employee is totally physically disabled as a result of his or her service with
7 the municipal fire department.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the municipal fire
9 department may not award a service weapon to any employee whom the municipal fire
10 department knows is prohibited from possessing a firearm, finds to be mentally incapacitated, or
11 who constitutes a danger to any person or the community.

12 (c) If a service weapon is taken out of service due to routine wear, the municipal fire
13 department may offer the service weapon for sale to any active or retired municipal fire marshal,
14 assistant fire marshal, or deputy fire marshal, at fair market value, with the proceeds from any
15 sales used to offset the cost of new service weapons. The disposal of service weapons pursuant to
16 this subsection does not fall within the jurisdiction of the Purchasing Division of the Department of

17 Administration.