

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 276**

By Senators Trump, Deeds, and Phillips

[Introduced January 18, 2023; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §15A-10-25 of the Code of West Virginia, 1931, as amended,  
 2 relating to awarding the service weapon of a retiring State Fire Marshal, any full-time  
 3 deputy fire marshal or any full-time assistant fire marshal employed by the State Fire  
 4 Marshal to the retiree without charge when the retiring member honorably retires with at  
 5 least 10 years of service or with less than 10 years of service based upon determination  
 6 that the retiring employee is totally physically disabled as a result of service with the State  
 7 Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the  
 8 State Fire Marshal knows is prohibited from possessing a firearm, is mentally  
 9 incapacitated, or a danger to any person or the community; authorizing the sale of service  
 10 weapons that are taken out of service due to routine wear to any active or retired State Fire  
 11 Marshal; providing that proceeds from the sales be used to offset the cost of new service  
 12 weapons; and exempting the sale from the requirements of the Purchasing Division.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 10. FIRE MARSHAL.**

**§15A-10-25. Awarding service weapon upon retirement of fire marshal or service weapon.**

1 (a) Upon the retirement of a State Fire Marshal, any full-time deputy fire marshal or any full-  
 2 time assistant fire marshal employed by the State Fire Marshal pursuant to this article shall award  
 3 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~~ 10 years of service; or  
 5 (2) The retiring employee is retiring with less than ~~20~~ 10 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 State Fire Marshal.

8 (b) Notwithstanding the provisions of subsection (a) of this section, the State Fire Marshal  
 9 ~~may shall~~ not award a service weapon to any employee whom the State Fire Marshal ~~knows~~: (1)  
 10 Knows is prohibited from possessing a firearm by state or federal law, (2) finds has reason to  
 11 believe such retiring employee to be mentally incapacitated, or (3) who has reason to believe the

12 retiring employee constitutes a danger to any person or the community.

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

NOTE: The purpose of this bill is to allow the State Fire Marshal to award the service weapon of a retiring State Fire Marshal, any full-time deputy fire marshal or any full-time assistant fire marshal employed by the State Fire Marshal to the retiree without charge when the retiring member honorably retires with at least 10 years of service or with less than 10 years of service based upon determination that the retiring employee is totally physically disabled as a result of service with the State Fire Marshal; prohibiting the award of a service weapon to a retiring employee whom the State Fire Marshal knows is prohibited from possessing a firearm, is mentally incapacitated, or a danger to any person or the community; authorizing the sale of service weapons that are taken out of service due to routine wear to any active or retired State Fire Marshal; providing that proceeds from the sales be used to offset the cost of new service weapons; and exempting the sale from the requirements of the Purchasing Division. This bill was recommended for passage in the 2023 regular session by the Department of Homeland Security.

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