

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5098**

By Delegates Ridenour, Foster, Mallow, Kirby, Marple,  
Martin, Phillips, C. Pritt, Kump, Hillenbrand, and  
Kimble

[Introduced January 25, 2024; Referred to the  
Committee on Veterans' Affairs and Homeland  
Security then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §5-3-2b, relating to requiring federal law enforcement officials to provide a  
 3 minimum of 48 hours' notice to the Attorney General and affected local sheriff's department  
 4 prior to execution of federal warrants or arrests in the state of West Virginia; providing  
 5 legislative findings; and setting forth jurisdiction.

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

**ARTICLE 3. ATTORNEY GENERAL.**

**§5-3-2b. Federal law enforcement officials required to coordinate with Attorney General and local sheriffs' departments prior to enforcement action.**

1 (a) Legislative findings. The Legislature finds that the federal government is exceeding its  
 2 Constitutional authorities by conducting politicized prosecutions and persecution of its political  
 3 opponents. The Legislature finds that the federal government is:

4 (1) Using the Federal Bureau of Investigation (FBI) and other federal law enforcement  
 5 entities to conduct politicized investigations, persecution and prosecutions of Americans  
 6 exercising their rights under the United States Constitution, particularly those guaranteed by the  
 7 First Amendment;

8 (2) Using the FBI and other federal law enforcement and intelligence entities to  
 9 unconstitutionally conduct surveillance on Americans;

10 (3) Illegally manufacturing evidence to deceive the public and potentially juries, particularly  
 11 regarding the January 6, 2021, protest at the United States Capitol;

12 (4) Using human sources to infiltrate groups to entrap Americans in spurious charges;

13 (5) Misallocating federal law enforcement resources to politicized investigations, while  
 14 ignoring critical threats, including terrorism, child exploitation, and espionage;

15 (6) Regularly overcharging minor offenses or no offense at all to convict or persecute  
 16 political opponents; and

17           (7) Using equally unjust convictions of individuals on fabricated or spurious charges as  
18 part of its politicized prosecutions and persecution of political opponents.

19           (b) The Legislature further finds that the federal government is using federal law  
20 enforcement entities, under color of law or office, to facilitate the politicized prosecutions and  
21 persecution described herein.

22           (c) The Legislature finds that the federal government is failing to properly regulate the  
23 heavy hand of federal law enforcement, and that federal law enforcement regularly uses  
24 excessive force to conduct search warrants and arrests.

25           (d) The Legislature finds that the routine application of excessive force by federal law  
26 enforcement results in injuries and death of Americans, who are innocent until proven guilty and  
27 consequential damage to private property.

28           (e) The Legislature finds that the federal government is actively avoiding the use of federal  
29 law enforcement in their appropriate roles to protect the border from infiltration and illegal  
30 immigration, to pursue international terrorists, to investigate hostile countries' actions against the  
31 people of the United States and West Virginia, to counter hostile countries' intelligence activities  
32 against the United States, and other critical national issues.

33           (f) Federal law enforcement official required to coordinate with Attorney General and local  
34 sheriffs' departments prior to enforcement action. At least 48 hours prior to the execution or  
35 service of any federal warrant or completion of an arrest in the state of West Virginia, federal law  
36 enforcement officials with any federal agency shall provide the Office of the West Virginia Attorney  
37 General and affected local county sheriff's department with written notice of any impending search  
38 warrant or arrest that will be executed in West Virginia. Such notice may be by letter or email.  
39 Letters must be delivered to and acknowledged by the Attorney General's Office and the affected  
40 local county sheriff's office at least 24 hours prior to any action by federal law enforcement. If  
41 written notice is transmitted by email, the Attorney General's Office and the affected local sheriff's

42 department must acknowledge receipt at least 48 hours prior to any action by federal law  
43 enforcement.

44 (g) *Jurisdiction.* The requirements set forth in this section are covered by the Tenth  
45 Amendment to the United States Constitution and, as such, the federal government has no  
46 authority or jurisdiction over this issue.

NOTE: The purpose of this bill is to require federal law enforcement officials to provide a minimum of 48 hours' notice to the Attorney General and affected local sheriff's department prior to execution of federal warrants or arrests in the state of West Virginia.

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