

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2397

By Delegates Hillenbrand, Funkhouser, Masters,
Ridenour, Horst, Brooks, Hite, Moore, Mazzocchi,
Cooper, and B. Smith

[Introduced February 14, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §7-5-4 of the Code of West Virginia, 1931, as amended, relating to
 2 preventing two immediate family members from acting in a fiduciary capacity for the same
 3 governmental authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. FISCAL AFFAIRS.

§7-5-4. Payment of money out of county treasury; signing of orders by mechanical or electrical devices; forgery; penalty.

1 No money shall be paid by the sheriff out of the county treasury except upon an order
 2 signed by the president and clerk of the county court, and properly endorsed: *Provided, however,*
 3 That in counties having a population in excess of fifty thousand as shown by the last preceding
 4 federal census, such signatures and the signature of the sheriff authorizing the payment of such
 5 orders by a county depository may be made by means of such mechanical or electrical device as
 6 the county court may select. Such mechanical or electrical device for the making of the signatures
 7 of the president and clerk shall be safely kept in the office of the clerk of the county court so that no
 8 one shall have access thereto except the members of the county court and the clerk of the county
 9 court and such of their respective employees as may be authorized to have access thereto. Such
 10 mechanical or electrical device for the making of the signature of the sheriff shall be safely kept in
 11 the office of the sheriff so that no one shall have access thereto except the sheriff and such of his
 12 or her deputies as may be authorized to have access thereto.

13 In the event that two or more of the president, county clerk, or sheriff are members of the
 14 same household or family, another commissioner shall sign for the president, and the chief deputy
 15 shall sign for the sheriff. In the event that the substitutions are then members of the same
 16 household or family, then other substitutions for these signatories shall be found for the president
 17 or sheriff, as appointed by the county commission.

18 If any person other than the persons authorized so to do shall sign the name of the
 19 president of the county court, the clerk of the county court or the sheriff by the use of any such

20 mechanical or electrical device, or otherwise, on any warrant, order or check, or utter or attempt to
21 employ as true such forged warrant, order or check, knowing the same to be forged, he or she
22 shall be guilty of a felony and, upon conviction, shall be confined in the penitentiary not less than
23 two years and not more than 10 years.

NOTE: The purpose of this bill is to prevent two immediate family members to act in a fiduciary capacity for the same governmental authority.

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