

The West Virginia Sheriffs' STAR



2008 Legislative WATCH List as of 01/11/08

Bill #	Title	Current Status:
SB 70	Providing temporary detention of certain criminal suspects	Judiciary
73	Requiring defendants pay certain costs of incarceration	Judiciary
78	Prohibiting issuance of new business registration certificate under certain circumstances – SHERIFFS' ASSOCIATION BILL – safeguard against changing business name, Need to contact Senator Walt Helmick and to get on com. Agenda	Sen. Hunter / Finance
97	Requiring Sheriff post notice on delinquent real estate – Need to watch this one. Please read it and let me know your thoughts.	Sen. Bowman / Gov. Org. then Finance
104	Providing Day Report Officers with limited arrest powers	Judiciary
105	Relating to stalking offense	Judiciary
109	Setting imprisonment term for malicious assault of certain officers	Judiciary
131	Imposing taxes on certain illegal substances – Drug Tax Bill; agency working cases would receive monetary benefits from Drug Tax Account	Sen. Jenkins / Finance
137	Prohibiting use of handheld cell phone while driving – Possible SHERIFFS' ASSOCIATION BILL	Transportation then Judiciary
150	Budget Bill	Finance
152	Requiring certain law enforcement officers receive nationwide concealed firearm's certification	
162	Creating DUI court program alternatives	
164	Relating to humane officers seizing certain cats	
168	Relating to municipality land annexation without election	
177	Providing criminal penalty for parental controlled substance activity while child present	
178	Relating to concealed handgun licenses generally	
185	Authorizing disclosure of certain records to National Instant Criminal Background Check System	
188	Requiring retired law enforcement recertify firearm license	
190	Relating to DUI laws	
195	Imposing certain penalties for Freedom of Information Act noncompliance	Sen. White
207	Relating to Deputy Sheriff Retirement System Act	
214	Authorizing State Police to enforce immigration laws	Sen. Bailey
HB 2080	Authorizing lateral transfers for deputy sheriffs	Pensions & Retirement then Judiciary
2093	Allowing family court judges to carry concealed weapon without obtaining license	Judiciary
2104	Ensuring victim's rights to testify at sentencing in criminal cases	Judiciary
2108	Making armed assault or conspiracy to commit armed assault upon school property or school personnel or students a felony	Education
2127	Exempting Magistrates from the licensing requirements for carrying a concealed weapon	Judiciary
2155	Authorizing county commissions to create a special fund for the purposes of posting bond for certain individuals	Pol. Subs / Finance
2164	Relating to requiring lien holders to notify sheriff's office via written instrument and to record a release in the county clerk's office within 60 days after the lien is satisfied	Judiciary
2170	Providing that alleged victims of DV or abuse have right to have a person of their choosing present when they are interviewed by law enforcement or prosecutor	Judiciary
2171	Creating criminal offense of harassment of participant of neighborhood crime watch	Judiciary
2196	Providing US flags fly at half-mast for 3 days whenever LE officer is killed in line of duty	Veterans then Judiciary

Bill #	Title	Current Status
2197	Creating felony offense of malicious wounding with use of firearm and unlawful wounding with use of firearm of LE officer and providing mandatory jail time	Judiciary
2200	Clarifying penalty provisions regarding battery on a police officer	Judiciary
2202	Relating to granting campus police officers law enforcement powers at private institutions of higher education	Education
2269	Prohibiting law enforcement from asking crime victims if they have insurance coverage to cover losses occasioned by criminal activity	Judiciary
2275	Imposing misdemeanor penalties for obstructing or giving false statements to law enforcement officer	Judiciary
2284	Allowing police officers from Class I & Class II municipalities to transfer to other departments and retain their rank, seniority, etc. – Please let me know if this applies to Deputy Sheriffs	Stalnaker; Judiciary
2305	Establishing threshold quantities of certain controlled substances to trigger prima facie evidence of intent to deliver if possessed by an individual	Judiciary
2311	Allowing Regional Jail Exec. Dir. To establish work program for qualified inmates	Gov. Org
2319	Lying to Deputy Sheriff is misdemeanor	Judiciary
2320	Clarifying that Sheriff is appointing officer with respect to deputy sheriffs who have resigned and thereafter seek appointment by reinstatement	Pino; Pol. Subs / Judiciary
2363	Allowing mental hygiene commissioners to carry concealed weapon	Judiciary
2404	Authorizing police to impound vehicle and auction to highest bidder when owner has been convicted of driving with no insurance three or more times	Bank & Insurance / Judiciary
2411	Prohibiting convicted felons from holding public office	Miley; Judiciary
2427	Requiring mandatory blood tests from drivers involved in motor vehicle accidents that result in death or bodily injury	Roads & Transp / Judiciary
2512	Making offense of failure to wear safety belts a primary offense	Roads & Transp / Judiciary
2514	Waiving requirement of training course for concealed weapons permit for those veterans who served during period of armed conflict	Judiciary
2565	Relating to delivery of controlled substances on or in an education facility	Education / Judiciary
2579	Making offense of failure to wear safety belt a primary offense	Roads and Transp / Judiciary
2700	Permitting magistrates to carry concealed handgun without permit	Judiciary
2785	Providing for the temporary detention of criminal suspects by law enforcement where probable cause seems to exist	Judiciary
2794	Requiring a preliminary breath analysis for purpose of determining bac of surviving driver	Roads & Transp / Judiciary
2837	Enabling law enforcement to use basic investigative tools to thwart terrorist plots	Judiciary
2889	Providing arresting agency pay cost of initial 24 hrs of incarceration	Judiciary
2896	Providing the court may include mutually restrictive protection orders in domestic violence cases – This may be a SHERIFFS’ ASSOCIATION BILL – I’m checking.	Judiciary
2898	Banning ATVs from all paved roads and requiring operators and passengers wear helmets	Gov. Org.
2901	Establishing work program for inmates	Gov. Org.
2906	Providing for mandatory sentences for any person who shoots a police officer on duty	Judiciary
2913	Including DNR into Deputy Sheriffs Retirement System	Pensions & Retirement
2914	Imposing regulations on use and operation of ATVs	Gov. Org.
2925	Changing way cost of incarcerating inmates in regional fail is collected	Judiciary
2928	Increasing penalty of driving under influence causing death	Judiciary
3032	Requiring an initial hearing before magistrate before person under arrest may be detained at regional jail	Judiciary
3063	The WV counter-Terrorism Act	Judiciary
3067	Providing salary increases for deputies with college degrees	Finance
3110	Increasing penalties for failure to report child buse	Judiciary
3124	Prohibiting law enforcement from interfering in service of warrant in child abuse investigation	Judiciary
3133	Relating to annexation of unincorporated territory	Pol. Subs.
3171	Criminalizing giving of false or misleading information to county officers	Judiciary
3186	Reclassifying meth as schedule II narcotic	Judiciary
3192	Relating to criminal penalties for driving with revoked, DUI	Judiciary
3194	Relating to defendant’s ability to pay cost of incarceration be done at time of sentence	Judiciary
3201	Authorizing tax commissioner to refuse, revoke, suspend, or refuse to renew business registration certificate for business that is alter ego, nominee or instrumentality of business in certain situations	Judiciary

Bill #	Title	Current Status
3222	Establishing the position of prisoner transportation officer	Fleishauer; Judiciary
3236	Exempting motorcycles from requirement of annual registration	Judiciary
4014	Budget Bill	Finance
4020	Authorizing disclosure of mental health records to National Instant Criminal Background Check System	Health & Human Resources
4026	Restricting public access to concealed weapons permit records	Judiciary
4043	Making changes to Deputy Sheriff Retirement System – you might want to look at this because it makes suggested changes to the area in which “Sheriff” is listed	Pensions & Retirement
HJR 6	Sheriff Term Limit Amendment – increasing Sheriffs term limits to 3 terms	Const. Rev. / Judiciary

- To view legislative bills on the internet, go to: www.legis.state.wv.us or for a copy, call me.
- This year is a “carry over” year, which means that all bills from last year were given the opportunity to be re-introduced this week. That is why there are so, so many bills and that is why my legislative update is late. I just now got finished reviewing the introduced list. However, I was not able to look at the details of all the bills. If you see something that catches your eye, please look it up and let me know if we should be concerned or supportive.
- This list is not exhaustive for law enforcement / tax issues. There may be some bills I missed. If you hear of any that we should monitor that I did not list, please let me know.