

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Engrossed

Senate Bill 732

BY SENATORS WELD AND DEEDS

[Introduced February 9, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §15-10-7 of the Code of West Virginia, 1931, as amended, relating
2 to cooperation between law-enforcement agencies and military authorities; providing
3 prosecuting attorneys may assign an assistant prosecutor to provide assistance to the
4 National Guard or other military authority within the state; providing that law enforcement
5 shall share certain information with military authorities regarding military members; and
6 establishing purpose of the amendments.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-7. Cooperation with military authorities.

1 (a) The head of a law-enforcement agency or head of a campus police department, as
2 those positions are defined in §15-10-3 of this code, may assign law-enforcement personnel
3 under his or her command, or a prosecuting attorney of any county within the state, may assign
4 an assistant prosecutor within their office to provide assistance, cooperation, and information to
5 the National Guard of this state or any service component of the armed forces of the United States
6 Department of Defense located in this state upon the written request of the Adjutant General or
7 commanding officer of the unit or facility.

8 (b) A law-enforcement agency, campus police department, or prosecuting attorney shall,
9 within a reasonable time after receiving a written request made by the Adjutant General or
10 commanding officer of a National Guard unit located within the state, disclose all records and
11 information pertaining to the following in which an alleged offender or victim is a member of the
12 National Guard of this state or any service component of the armed forces of the United States
13 located in this state:

- 14 (1) Alleged violations of the federal and state Codes of Military Justice;
15 (2) Alleged violations of the criminal laws of the United States and the State of West
16 Virginia;

17 (3) Investigations and other actions related to reports of sexual assault or sexual
18 harassment, to include any cases of reprisal or retaliation;

19 (4) Violations of military directives, regulations, or instruction; and

20 (5) ~~Other reasonable requests by the National Guard~~ Notwithstanding the provisions of
21 §61-8B-19 of this code, alleged violations of the offenses enumerated in §61-8A-1 et seq., §61-
22 8B-1 et seq., §61-8C-1 et seq., or §61-14-1 et seq. of this code, or for the offenses included in
23 §61-8D-3a, §61-8D-5, and §61-8D-6 of this code.

24 (c) The purpose of this section is to support the military by providing it objective, qualified
25 law-enforcement services.

26 (d) The purpose of the amendments made to this section during the regular session of the
27 Legislature, 2024, are to ensure force readiness of the National Guard and the armed forces by
28 providing objective, relevant, and timely information related to military personnel; protecting
29 members who may be the victims of a crime; and ensuring command awareness of members
30 who may be subject to a criminal investigation.