

FILED

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OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4268

(By Delegates C. White, Yeager, Caputo,
Hrutkay and Marshall)



Passed March 8, 2002

In Effect Ninety Days from Passage

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FOR

H. B. 4268

(BY DELEGATES C. WHITE, YEAGER, CAPUTO,
HRUTKAY AND MARSHALL)

[Passed March ⁸~~7~~, 2002; in effect ninety days from passage.]

Handwritten:
H.B.
3/20/02

AN ACT to amend and reenact section five, article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to law enforcement-training and certification; permitting the certification in another program of applicants who have completed minimum training requirements in the program to which he or she originally applied; permitting the conditional re-employment of certain persons as law-enforcement officers; and providing a one year period during which a person who was previously conditionally employed as a law-enforcement officer, but who failed to submit a timely application to an approved law-enforcement training academy, may submit an application to an approved law-enforcement training academy.

Be it enacted by the Legislature of West Virginia:

That section five, article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-5. Certification requirements.

1 (a) Except as provided in subsections (b) and (g) below, no
2 person may be employed as a law-enforcement officer by any
3 West Virginia law-enforcement agency or by any state institu-
4 tion of higher education on or after the effective date of this
5 article unless the person is certified, or is certifiable in one of
6 the manners specified in subsections (c) through (e) below, by
7 the governor's committee as having met the minimum entry
8 level law-enforcement qualification and training program
9 requirements promulgated pursuant to this article.

10 (b) Except as provided in subsection (g) below, a person
11 who is not certified, or certifiable in one of the manners
12 specified in subsections (c) through (e) below, may be condi-
13 tionally employed as a law-enforcement officer until certified:
14 *Provided*, That within ninety calendar days of the commence-
15 ment of employment or the effective date of this article if the
16 person is already employed on the effective date, he or she
17 makes a written application to attend an approved law-enforce-
18 ment training academy. The person's employer shall provide
19 notice, in writing, of the ninety-day deadline to file a written
20 application to the academy within thirty calender days of that
21 person's commencement of employment. The employer shall
22 provide full disclosure as to the consequences of failing to file
23 a timely written application. The academy shall notify the
24 applicant in writing of the receipt of the application and of the
25 tentative date of the applicant's enrollment. Any applicant who,
26 as the result of extenuating circumstances acceptable to his or
27 her law-enforcement official, is unable to attend the scheduled

28 training program to which he or she was admitted may reapply
29 and shall be admitted to the next regularly scheduled training
30 program. An applicant who satisfactorily completes the
31 program shall, within thirty days of completion, make written
32 application to the governor's committee requesting certification
33 as having met the minimum entry level law-enforcement
34 qualification and training program requirements. Upon deter-
35 mining that an applicant has met the requirements for certifica-
36 tion, the governor's committee shall forward to the applicant
37 documentation of certification. An applicant who fails to
38 complete the training program to which he or she is first
39 admitted, or was admitted upon reapplication, may not be
40 certified by the governor's committee: *Provided*, That an
41 applicant who has completed the minimum training required by
42 the governor's committee may be certified as a law-enforce-
43 ment officer, notwithstanding the applicant's failure to com-
44 plete additional training hours required in the training program
45 to which he or she originally applied.

46 (c) Any person who is employed as a law-enforcement
47 officer on the effective date of this article and is a graduate of
48 the West Virginia basic police training course, the West
49 Virginia state police cadet training program, or other approved
50 law-enforcement training academy, is certifiable as having met
51 the minimum entry level law-enforcement training program
52 requirements and is exempt from the requirement of attending
53 a law-enforcement training academy. To receive certification,
54 the person shall make written application within ninety calendar
55 days of the effective date of this article to the governor's
56 committee requesting certification. The governor's committee
57 shall review the applicant's relevant scholastic records and,
58 upon determining that the applicant has met the requirements
59 for certification, shall forward to the applicant documentation
60 of certification.

61 (d) Any person who is employed as a law-enforcement
62 officer on the effective date of this article and is not a graduate
63 of the West Virginia basic police training course, the West
64 Virginia state police cadet training program, or other approved
65 law-enforcement training academy, is certifiable as having met
66 the minimum entry level law-enforcement training program
67 requirements and is exempt from the requirement of attending
68 a law-enforcement training academy if the person has been
69 employed as a law-enforcement officer for a period of not less
70 than five consecutive years immediately preceding the date of
71 application for certification. To receive certification, the person
72 shall make written application within ninety calendar days
73 following the effective date of this article to the governor's
74 committee requesting certification. The application shall
75 include notarized statements as to the applicant's years of
76 employment as a law-enforcement officer. The governor's
77 committee shall review the application and, upon determining
78 that the applicant has met the requirements for certification,
79 shall forward to the applicant documentation of certification.

80 (e) Any person who begins employment on or after the
81 effective date of this article as a law-enforcement officer is
82 certifiable as having met the minimum entry level law-enforce-
83 ment training program requirements and is exempt from
84 attending a law-enforcement training academy if the person has
85 satisfactorily completed a course of instruction in law enforce-
86 ment equivalent to or exceeding the minimum applicable law-
87 enforcement training curricula promulgated by the governor's
88 committee. To receive certification, the person shall make
89 written application within ninety calendar days following the
90 commencement of employment to the governor's committee
91 requesting certification. The application shall include a nota-
92 rized statement of the applicant's satisfactory completion of the
93 course of instruction in law enforcement, a notarized transcript
94 of the applicant's relevant scholastic records, and a notarized
95 copy of the curriculum of the completed course of instruction.

96 The governor's committee shall review the application and, if
97 it finds the applicant has met the requirements for certification
98 shall forward to the applicant documentation of certification.

99 (f) Any person who is employed as a law-enforcement
100 officer on or after the effective date of this article and fails to be
101 certified shall be automatically terminated and no further
102 emoluments shall be paid to such officer by his or her em-
103 ployer. Any person terminated shall be entitled to reapply, as a
104 private citizen, to the subcommittee for training and certifica-
105 tion, and upon being certified may again be employed as a law-
106 enforcement officer in this state: *Provided*, That if a person is
107 terminated under this subsection because an application was not
108 timely filed to the academy, and the person's employer failed
109 to provide notice or disclosure to that person as set forth in
110 subsection (b) of this section, the employer shall pay the full
111 cost of attending the academy if the person's application to the
112 subcommittee as a private citizen is subsequently approved.

113 (g) Nothing in this article may be construed as prohibiting
114 any governing body, civil service commission or chief execu-
115 tive of any West Virginia law-enforcement agency from
116 requiring their law-enforcement officers to meet qualifications
117 and satisfactorily complete a course of law-enforcement
118 instruction which exceeds the minimum entry level law-
119 enforcement qualification and training curricula promulgated
120 by the governor's committee.

121 (h) The requirement of this section for qualification,
122 training and certification of law-enforcement officers shall not
123 be mandatory during the two years next succeeding the effec-
124 tive date of this article for the law-enforcement officers of a
125 law-enforcement agency which employs a civil service system
126 for its law-enforcement personnel, nor shall such provisions be
127 mandatory during the five years next succeeding the effective
128 date of this article for law-enforcement officers of a law-

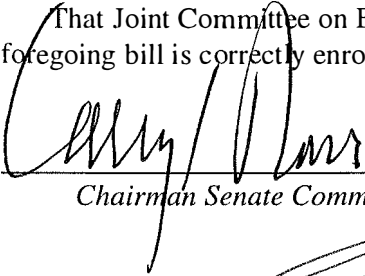
129 enforcement agency which does not employ a civil service
130 system for its law-enforcement personnel: *Provided*, That such
131 requirements shall be mandatory for all such law-enforcement
132 officers until their law-enforcement officials apply for their
133 exemption by submitting a written plan to the governor's
134 committee which will reasonably assure compliance of all law-
135 enforcement officers of their agencies within the applicable two
136 or five-year period of exemption.

137 (i) Any person aggrieved by a decision of the governor's
138 committee made pursuant to this article may contest such
139 decision in accordance with the provisions of article five,
140 chapter twenty-nine-a of this code.

141 (j) Any person terminated from employment for not filing
142 an application to the law-enforcement training academy within
143 ninety days after commencing employment as a law-enforce-
144 ment officer may appeal the termination to the governor's
145 committee for reconsideration on an individual basis.

146 (k) Beginning the first day of July, two thousand two, until
147 the thirtieth day of June, two thousand three, any applicant who
148 has been conditionally employed as a law-enforcement officer
149 who failed to submit a timely application pursuant to the
150 provisions of this section, may be conditionally employed as a
151 law-enforcement officer if and may resubmit an application
152 pursuant to subsection (b) of this section to an approved law-
153 enforcement training academy. If the applicant is accepted, the
154 employer shall pay compensation to the employee for atten-
155 dance at the law-enforcement training academy at the rate
156 provided in section eight of this article.

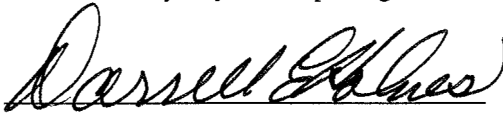
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

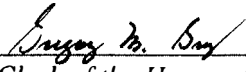

Chairman Senate Committee



Chairman House Committee

Originating in the House.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved, this the 2nd day of April, 2002.



Governor

EXHIBIT 17 OF 17

10/10/02

Date 3/27/02

Time 10:10am