

H. B. 2282

(By Delegate Border)

[Introduced January 12, 2011; referred to the  
Committee on Government Organization then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §15-2-24 of the Code of West Virginia,  
1931, as amended, relating to fees charged by the Criminal  
Identification Bureau of the West Virginia State Police for  
providing certain information to volunteer fire departments.

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

That §15-2-24 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 2. WEST VIRGINIA STATE POLICE.**

**§15-2-24. Criminal Identification Bureau; establishment;  
supervision; purpose; fingerprints, photographs,  
records and other information; reports by courts  
and prosecuting attorneys; offenses and penalties.**

(a) The superintendent ~~of the department~~ shall establish,  
equip and maintain at the ~~departmental~~ State Police headquarters a

1 Criminal Identification Bureau, for the purpose of receiving and  
2 filing fingerprints, photographs, records and other information  
3 pertaining to the investigation of crime and the apprehension of  
4 criminals, as ~~hereinafter~~ provided in this article. The  
5 superintendent shall appoint or designate a supervisor to be in  
6 charge of the Criminal Identification Bureau and ~~such~~ the  
7 supervisor ~~shall be~~ is responsible to the superintendent for the  
8 affairs of the bureau. Members of the ~~department~~ State Police  
9 assigned to the Criminal Identification Bureau shall carry out  
10 their duties and assignments in accordance with internal management  
11 rules ~~and regulations pertaining thereto~~ promulgated by the  
12 superintendent.

13 (b) The Criminal Identification Bureau shall cooperate with  
14 identification bureaus of other states and of the United States to  
15 develop and carry on a complete interstate, national and  
16 international system of criminal identification.

17 (c) The Criminal Identification Bureau may furnish  
18 fingerprints, photographs, records or other information to  
19 authorized law-enforcement and governmental agencies of the United  
20 States and its territories, of foreign countries duly authorized to  
21 receive the same, of other states within the United States and of  
22 the State of West Virginia upon proper request stating that the  
23 fingerprints, photographs, records or other information requested  
24 are necessary in the interest of and will be used solely in the

1 administration of official duties and the criminal laws.

2 (d) (1) The Criminal Identification Bureau may furnish, with  
3 the approval of the superintendent, fingerprints, photographs,  
4 records or other information to any private or public agency,  
5 person, firm, association, corporation or other organization, other  
6 than a law-enforcement or governmental agency as to which the  
7 provisions of subsection (c) of this section ~~shall govern and~~  
8 ~~control but~~ governs and controls. All requests under the provisions  
9 of this subsection (d) for ~~such~~ fingerprints, photographs, records  
10 or other information must be accompanied by a written authorization  
11 signed and acknowledged by the person whose fingerprints,  
12 photographs, records or other information is to be released.

13 (2) The Criminal Identification Bureau shall furnish  
14 fingerprints, photographs, records or other information requested  
15 under this subsection by volunteer fire departments to the  
16 departments at no charge.

17 (e) The Criminal Identification Bureau may furnish  
18 fingerprints, photographs, records and other information of persons  
19 arrested or sought to be arrested in this state to the  
20 identification bureau of the United States government and to other  
21 states for the purpose of aiding law enforcement.

22 (f) Persons in charge of any penal or correctional  
23 institution, including any ~~city or county~~ jail in this state, shall  
24 take, or cause to be taken, the fingerprints and description of all

1 persons lawfully committed thereto or confined therein and furnish  
2 ~~the same~~ them in duplicate to the Criminal Identification Bureau  
3 ~~department of public safety.~~ Such of the State Police. The  
4 fingerprints shall be taken on forms approved by the superintendent  
5 of the ~~department of public safety~~ State Police. All ~~such~~ the  
6 officials ~~as herein~~ named in this article may, when possible to do  
7 so, furnish photographs to the Criminal Identification Bureau of  
8 ~~such~~ the persons so fingerprinted.

9 (g) Members of the ~~department of public safety~~ State Police  
10 and all other state law-enforcement officials, sheriffs, deputy  
11 sheriffs, and each and every peace officer in this state, shall  
12 take or cause to be taken the fingerprints and description of all  
13 persons arrested or detained by them, charged with any crime or  
14 offense in this state, in which the penalty provided therefor is  
15 confinement in any penal or correctional institution, or of any  
16 person who they have reason to believe is a fugitive from justice  
17 or an habitual criminal, and furnish ~~the same~~ them in duplicate to  
18 the Criminal Identification Bureau of the ~~department of public~~  
19 ~~safety~~ State Police on forms approved by the superintendent. ~~of~~  
20 ~~said department~~ All ~~such~~ the officials ~~as herein~~ named in this  
21 section may, when possible to do so, furnish to the Criminal  
22 Identification Bureau, photographs of ~~such~~ the persons ~~so~~  
23 fingerprinted. For the purpose of obtaining data for the  
24 preparation and submission to the Governor and the Legislature by

1 the ~~department of public safety~~ State Police of an annual  
2 statistical report on crime conditions in the state, the clerk of  
3 any court of record, the magistrate of any magistrate court and the  
4 mayor or clerk of any municipal court before which a person appears  
5 on any criminal charge shall report to the Criminal Identification  
6 Bureau the sentence of the court or other disposition of the charge  
7 and the prosecuting attorney of every county shall report to the  
8 Criminal Identification Bureau ~~such~~ additional information ~~as~~ the  
9 bureau may require for such purpose, and all ~~such~~ the reports shall  
10 be on forms prepared and distributed by the ~~department of public~~  
11 ~~safety~~ State Police, shall be submitted monthly and shall cover the  
12 period of the preceding month.

13 (h) All persons arrested or detained pursuant to the  
14 requirements of this article shall give fingerprints and  
15 information required by subsections (f) and (g) of this section.  
16 Any person who has been fingerprinted or photographed in accordance  
17 with the provisions of this section, who is acquitted of the  
18 charges upon which he or she was arrested, and who has no previous  
19 criminal record, may, upon the presentation of satisfactory proof  
20 to the ~~department~~ State Police have ~~such~~ the fingerprints or  
21 photographs, or both, returned to them.

22 (i) All state, county and municipal law-enforcement agencies  
23 shall submit to the bureau uniform crime reports setting forth  
24 their activities in connection with law enforcement. It ~~shall be~~

1 is the duty of the bureau to adopt and promulgate rules ~~and~~  
2 ~~regulations~~ prescribing the form, general content, time and manner  
3 of submission of ~~such~~ the uniform crime reports. Willful or  
4 repeated failure by any state, county or municipal law-enforcement  
5 official to submit the uniform crime reports required by this  
6 article ~~shall constitute~~ is neglect of duty in public office. The  
7 bureau shall correlate the reports submitted to it and shall  
8 compile and submit to the Governor and the Legislature semiannual  
9 reports based on ~~such~~ the reports. A copy of ~~such~~ the reports  
10 shall be furnished to all prosecuting attorneys and law-enforcement  
11 agencies.

12 (j) Neglect or refusal of any person mentioned in this section  
13 to make the report required ~~herein~~ in this section, or to do or  
14 perform any act on his or her part to be done or performed in  
15 connection with the operation of this section, ~~shall constitute~~ is  
16 a misdemeanor and, ~~such~~ the person shall, upon conviction thereof,  
17 be punished by a fine of not less than \$25.00 nor more than  
18 \$200.00, or by imprisonment in ~~the county~~ jail for ~~a period of~~ not  
19 more than 60 days, or both. ~~Such~~ The neglect ~~shall constitute~~ is  
20 misfeasance in office and ~~subject such~~ subjects the persons to  
21 removal from office. Any person who willfully removes, destroys or  
22 mutilates any of the fingerprints, photographs, records or other  
23 information of the ~~department of public safety shall be~~ State  
24 Police, is guilty of a misdemeanor ~~and, such person shall,~~ and upon

1 conviction thereof, shall be punished by a fine of not more than  
2 \$100, or by imprisonment in ~~the county~~ jail for ~~a period of~~ not  
3 more than six months, or both.

NOTE: The purpose of this bill is to eliminate fees charged by the Criminal Identification Bureau of the West Virginia State Police for providing certain information to volunteer fire departments.

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