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**H. B. 2466**

(By Delegate Craig)  
[Introduced January 13, 2011; referred to the  
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §62-1-1a, relating to  
permitting the temporary detention of criminal suspects by  
law-enforcement officers in order to determine the identity of  
the suspect and other matters involving the commission of a  
crime where probable cause appears to exist.

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

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §62-1-1a, to read as  
follows:

**ARTICLE 1. PRELIMINARY PROCEDURE.**

**§62-1-1a. Temporary detention by law-enforcement officer of person  
suspected of criminal behavior or violating conditions  
of parole or probation; limitations.**

(a) When any law-enforcement officer of this state encounters

1 any person under circumstances which reasonably indicate that the  
2 person has committed, is committing, or is about to commit a  
3 violation of the criminal laws of this state or the criminal  
4 ordinances of any municipality, the officer may temporarily detain  
5 the person for the purpose of ascertaining the identity of the  
6 person temporarily detained and the circumstances surrounding the  
7 person's presence in the place which led the officer to believe  
8 that the person had committed, was committing, or was about to  
9 commit a criminal offense.

10 (b) A person may not be temporarily detained under the  
11 provisions of subsection (a) of this section longer than is  
12 reasonably necessary to effect the purposes of that subsection.  
13 Such temporary detention may not extend beyond the place where it  
14 was first effected or the immediate vicinity thereof: *Provided,*  
15 That no detention undertaken pursuant to subsection (a) of this  
16 section may last more than six hours.

17 (c) If at any time after the onset of the temporary detention  
18 authorized by subsection (a) of this section, probable cause for  
19 arrest of person appears, the person shall be arrested. If, after  
20 an inquiry into the circumstances which prompted the temporary  
21 detention, no probable cause for the arrest of the person appears,  
22 the person shall be released.

23 (d) When any law-enforcement officer authorized to detain  
24 temporarily any person under the provisions of subsection (a) of

1 this section has probable cause to believe that any person whom the  
2 officer has temporarily detained, or is about to detain  
3 temporarily, is armed with a dangerous weapon and therefore offers  
4 a threat to the safety of the officer or any other person, the  
5 officer may search the person so temporarily detained only to the  
6 extent necessary to disclose, and for the purpose of disclosing,  
7 the presence of a weapon. If the search discloses a weapon or any  
8 evidence of a criminal offense, it may be seized.

9 (e) Evidence seized by a law-enforcement officer in any search  
10 under this section is not admissible against any person in any  
11 court of this state or political subdivision thereof unless the  
12 search which disclosed its existence was authorized by and  
13 conducted in compliance with the provisions of this section.

NOTE: The purpose of this bill is to permit the temporary detention of criminal suspects by law-enforcement officers in order to determine the identity of the suspect and other matters involving the commission of a crime where probable cause appears to exist.

§62-1-1a is new; therefore, it has been completely underscored.