

ENROLLED

H. B. 2708

(By Delegates Swartzmiller and M. Poling)

[Passed March 7, 2011; in effect ninety days from passage.]

10 AN ACT to amend and reenact §15-10-4 of the Code of West Virginia,
11 1931, as amended, relating to removing a twelve-month
12 limitation for certain agreements between or among law-
13 enforcement agencies to remain in effect; and permitting
14 agreements between or among different law-enforcement agencies
15 to remain in effect unless terminated.

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

17 That §15-10-4 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

19 **ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.**

20 **§15-10-4. Cooperation between law-enforcement agencies and other**
21 **groups of state or local law-enforcement officers.**

22 (a) The head of any law-enforcement agency, the head of any
23 campus police or the head of the rangers of the Hatfield-McCoy
24 regional recreational authority, as those terms are defined in
25 section three of this article, may temporarily provide assistance
26 and cooperation to another agency of the state criminal justice
27 system or to a federal law-enforcement agency in investigating

1 crimes or possible criminal activity if requested to do so in
2 writing by the head of another law-enforcement agency or federal
3 law-enforcement agency. Such assistance may also be provided upon
4 the request of the head of the law-enforcement agency or federal
5 law-enforcement agency without first being reduced to writing in
6 emergency situations involving the imminent risk of loss of life or
7 serious bodily injury. The assistance may include, but is not
8 limited to, entering into a multijurisdictional task force
9 agreement to integrate federal, state, county and municipal
10 law-enforcement agencies or other groups of state or local
11 law-enforcement officers, or any combination thereof, for the
12 purpose of enhancing interagency coordination, intelligence
13 gathering, facilitating multijurisdictional investigations,
14 providing criminal justice enforcement personnel of the
15 law-enforcement agency to work temporarily with personnel of
16 another agency, including in an undercover capacity, and making
17 available equipment, training, technical assistance and information
18 systems for the more efficient investigation, apprehension and
19 adjudication of persons who violate the criminal laws of this state
20 or the United States, and to assist the victims of such crimes.
21 When providing the assistance under this article, a head of a
22 law-enforcement agency shall comply with all applicable statutes,
23 ordinances, rules, policies or guidelines officially adopted by the
24 state or the governing body of the city or county by which he or
25 she is employed, and any conditions or restrictions included
26 therein.

27 (b) While temporarily assigned to work with another

1 law-enforcement agency or agencies, criminal justice enforcement
2 personnel and other state and local law-enforcement officers shall
3 have the same jurisdiction, powers, privileges and immunities,
4 including those relating to the defense of civil actions, as such
5 criminal justice enforcement personnel would enjoy if actually
6 employed by the agency to which they are assigned, in addition to
7 any corresponding or varying jurisdiction, powers, privileges and
8 immunities conferred by virtue of their continued employment with
9 the assisting agency.

10 (c) While assigned to another agency or to a
11 multijurisdictional task force, criminal justice enforcement
12 personnel and other state and local law-enforcement officers shall
13 be subject to the lawful operational commands of the superior
14 officers of the agency or task force to which they are assigned,
15 but for personnel and administrative purposes, including
16 compensation, they shall remain under the control of the assisting
17 agency. These assigned personnel shall continue to be covered by
18 all employee rights and benefits provided by the assisting agency,
19 including workers' compensation, to the same extent as though such
20 personnel were functioning within the normal scope of their duties.

21 (d) No request or agreement between the heads of
22 law-enforcement agencies, the heads of campus police or the head of
23 the rangers of the Hatfield-McCoy regional recreation authority,
24 made or entered into pursuant to this article shall remain in
25 force or effect until a copy of said request or agreement is filed
26 with the office of the circuit clerk of the county or counties in
27 which the law-enforcement agencies, the campus police, or the

1 Hatfield-McCoy regional recreation authority rangers involved
2 operate. Agreements made pursuant to this article shall remain in
3 effect unless and until the agreement is changed or withdrawn in
4 writing by the head of one of the law-enforcement agencies. Upon
5 filing, the requests or agreements may be sealed, subject to
6 disclosure pursuant to an order of a circuit court directing
7 disclosure for good cause. Nothing in this article shall be
8 construed to limit the authority of the head of a law-enforcement
9 agency, the head of campus police or the head of the rangers of the
10 Hatfield-McCoy regional recreation authority to withdraw from any
11 agreement at any time.

12 (e) Nothing contained in this article shall be construed so as
13 to grant, increase, decrease or in any manner affect the civil
14 service protection or the applicability of civil service laws as to
15 any criminal justice enforcement personnel, or as to any state or
16 local law-enforcement officer or agency operating under the
17 authority of this article, nor shall this article in any way reduce
18 or increase the jurisdiction or authority of any criminal justice
19 enforcement personnel, or of any state or local law-enforcement
20 officer or agency, except as specifically provided herein.

21 (f) Nothing contained in this article shall be construed so as
22 to authorize the permanent consolidation or merger or the
23 elimination of operations of participating federal, state, county
24 municipal law-enforcement agencies, or other groups of state and
25 local law-enforcement officers, the head campus police or the head
26 of the rangers of the Hatfield-McCoy regional recreation authority.