

**H. B. 2708**

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(By Delegates Swartzmiller and M. Poling)  
[Introduced January 21, 2011; referred to the  
Committee on the Judiciary.]

10 A BILL 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 ~~the provisions of~~ this article,  
22 a head of a law-enforcement agency shall comply with all applicable  
23 statutes, ordinances, rules, policies or guidelines officially  
24 adopted by the state or the governing body of the city or county by  
25 which he or she is employed, and any conditions or restrictions  
26 included 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 ~~the provisions of this article~~  
25 shall remain in force ~~and effect for a period of more than twelve~~  
26 ~~months unless renewed in writing by the parties thereto nor shall~~  
27 ~~any request or agreement made or entered into pursuant to the~~

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7 the agreement is changed or withdrawn by the head of one of the  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

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

24 (f) Nothing contained in this article shall be construed so as  
25 to authorize the permanent consolidation or merger or the  
26 elimination of operations of participating federal, state, county  
27 municipal law-enforcement agencies, or other groups of state and

1 local law-enforcement officers, the head campus police or the head  
2 of the rangers of the Hatfield-McCoy regional recreation authority.

NOTE: The purpose of this bill is to remove a twelve-month limitation for certain agreements between or among law-enforcement agencies to remain in effect. The bill also permits agreements between or among different law-enforcement agencies to remain in effect unless terminated.

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