

H. B. 3148

(By Delegates Marshall, Barill, Fleischauer and Pasdon)
[Introduced February 15, 2011; referred to the
Committee on Education then the Judiciary.]

A BILL to amend and reenact §18B-5-4 of the Code of West Virginia,
1931, as amended, relating to higher education; general
administration; and residency requirements for persons
appointed as campus police officers.

Be it enacted by the Legislature of West Virginia:

That §18B-5-4 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 4. GENERAL ADMINISTRATION.

**§18B-4-5. Campus police officers; appointment; qualifications;
authority; compensation and removal.**

(a) The governing boards may appoint bona fide residents of
this state, or those who can become bona fide residents within
ninety days of their appointment, to serve as campus police
officers upon any premises owned or leased by the State of West
Virginia and under the jurisdiction of the governing boards,

1 subject to the conditions and restrictions established in this
2 section.

3 (1) A person who previously was qualified for employment as a
4 law-enforcement officer for a state agency or political subdivision
5 of the state is considered certified for appointment as a campus
6 police officer at the state institutions of higher education under
7 the jurisdiction of the governing boards of Marshall University and
8 West Virginia University.

9 (2) Before performing duties as a campus police officer in any
10 county, a person shall qualify as is required of county police
11 officers by:

12 (A) Taking and filing an oath of office as required by article
13 one, chapter six of this code; and

14 (B) Posting an official bond as required by article two,
15 chapter six of this code.

16 (b) A campus police officer may carry a gun and any other
17 dangerous weapon while on duty if the officer fulfills the
18 certification requirement for law-enforcement officers under
19 section five, article twenty-nine, chapter thirty of this code or
20 meets the requirements of subsection (a) of this section.

21 (c) It is the duty of a campus police officer to preserve law
22 and order:

23 (1) On the premises under the jurisdiction of the governing
24 board; and

1 (2) On any street, road or thoroughfare, except controlled
2 access and open country highways, immediately adjacent to or
3 passing through premises, to which the officer is assigned by the
4 president of the state institution of higher education.

5 (A) For the purpose of this subdivision, the campus police
6 officer is a law-enforcement officer pursuant to the provisions of
7 section one, article twenty-nine, chapter thirty of this code.

8 (B) The officer has and may exercise all the powers and
9 authority of a law-enforcement officer as to offenses committed
10 within the area assigned;

11 (C) The officer is subject to all the requirements and
12 responsibilities of a law-enforcement officer;

13 (D) Authority assigned pursuant to this subdivision does not
14 supersede in any way the authority or duty of other law-enforcement
15 officers to preserve law and order on such premises.

16 (E) Campus police officers may assist a local law-enforcement
17 agency on public highways. The assistance may be provided to
18 control traffic in and around premises owned by the state when:

19 (i) Traffic is generated as a result of athletic or other
20 activities conducted or sponsored by a state institution of higher
21 education; and

22 (ii) The assistance has been requested by the local law-
23 enforcement agency.

24 (F) Campus police officers may assist a local law-enforcement

1 agency in any location under the agency's jurisdiction at the
2 request of the agency.

3 (d) The salary of a campus police officer is paid by the
4 appropriate governing board. Each state institution may furnish
5 each campus police officer with a firearm and an official uniform
6 to be worn while on duty. The institution shall furnish and
7 require each officer while on duty to wear a shield with an
8 appropriate inscription and to carry credentials certifying to the
9 person's identity and authority as a campus police officer.

10 (e) A governing board may at its pleasure revoke the authority
11 of any campus police officer and such officers serve at the will
12 and pleasure of the governing board. The president of the state
13 institution shall report the termination of employment of a campus
14 police officer by filing a notice to that effect in the office of
15 the clerk of each county in which the campus police officer's oath
16 of office was filed.

NOTE: The purpose of this bill is to permit persons who can
become bona fide residents of this state within ninety days of
their appointment to serve as campus police officers.

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