



1 by adding thereto a new section, designated §7-14-16a; that said  
 2 code be amended by adding thereto a new section, designated  
 3 §8-14-3a; and that §15-2-10 of said code be amended and reenacted,  
 4 all to read as follows:

5                   **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

6 **ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.**

7 **§7-14-16a. Mandatory armored vest wear policy requirement.**

8           Every county sheriff shall adopt a formal policy that requires  
 9 all law-enforcement officers to wear an armor vest throughout each  
 10 duty shift whenever feasible. The terms and exemptions of this  
 11 mandatory wear policy shall be determined by each county sheriff in  
 12 the reasonable exercise of his or her discretion: *Provided*, That  
 13 the policy must define an "armor vest" as a vest that has met the  
 14 performance standards established by the National Law-Enforcement  
 15 and Corrections Technology Center of the National Institute of  
 16 Justice (NIJ) as published in NIJ Standard 0101.03, or any formal  
 17 revision of this standard.

18                   **CHAPTER 8. MUNICIPAL CORPORATIONS.**

19 **ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS,**  
 20                   **AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS**  
 21                   **AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE**  
 22                   **AND PARKING LOT OR PARKING BUILDING POLICE**

1                   **OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE**  
2                   **DEPARTMENTS.**

3 **§8-14-3a. Mandatory armored vest wear policy requirement.**

4           Every police force or department of a municipality shall adopt  
5 a formal policy that requires all law-enforcement officers to wear  
6 an armor vest throughout each duty shift whenever feasible. The  
7 terms and exemptions of this mandatory wear policy shall be  
8 determined by each chief of police in the reasonable exercise of  
9 his or her discretion: *Provided*, That the policy must define an  
10 "armor vest" as a vest that has met the performance standards  
11 established by the National Law-Enforcement and Corrections  
12 Technology Center of the National Institute of Justice (NIJ) as  
13 published in NIJ Standard 0101.03, or any formal revision of this  
14 standard.

15                   **CHAPTER 15. PUBLIC SAFETY.**

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

17 **§15-2-10. Uniforms; authorized equipment, weapons and supplies;**  
18                   **local headquarters; quarters for members; life**  
19                   **insurance; medical and hospital fees for injuries and**  
20                   **illnesses of members incurred in line of duty.**

21           (a) The standard uniform to be used by the West Virginia State  
22 Police after the effective date of this article shall be as

1 follows: Forestry green blouse with West Virginia State Police  
2 emblem on sleeve; black shoulder strap one-inch black stripe around  
3 sleeve, four inches from end of sleeve; forestry green breeches  
4 with one-inch black stripe down the side; trousers (slacks) with  
5 one-inch black stripe down the side for officers and clerks  
6 regularly enlisted in the State Police; forestry green shirts with  
7 West Virginia State Police emblem on sleeve; black shoulder straps;  
8 forestry green mackinaw with West Virginia State Police emblem on  
9 sleeve; black shoulder straps; one-inch black stripe around sleeve  
10 four inches from end of sleeve; campaign hat of olive drab color;  
11 black Sam Browne belt with holster; black leggings and shoes; the  
12 officer's uniform will have one and one-quarter inch black stripe  
13 around the sleeve of blouse and mackinaw four inches from end of  
14 sleeve circumposed with one-half inch gold braid, also black  
15 collars on blouse, with two silver shoulder bars for captains, one  
16 silver shoulder bar for first lieutenant, one gold shoulder bar for  
17 second lieutenant. For noncommissioned officers the uniform blouse  
18 and shirt will have thereon black chevrons of the appropriate rank.

19 (b) The superintendent shall establish the weapons and  
20 enforcement equipment which are authorized for use by members of  
21 the State Police and shall provide for periodic inspection of the  
22 weapons and equipment. He or she shall provide for the discipline  
23 of members using other than authorized weapons and enforcement

1 equipment.

2 (c) The superintendent shall adopt a formal policy that  
3 requires all law-enforcement officers to wear an armor vest  
4 throughout each duty shift whenever feasible. The terms and  
5 exemptions of this mandatory wear policy shall be determined by the  
6 superintendent in the reasonable exercise of his or her discretion:  
7 Provided, That the policy must define an "armor vest" as a vest  
8 that has met the performance standards established by the National  
9 Law-Enforcement and Corrections Technology Center of the National  
10 Institute of Justice (NIJ) as published in NIJ Standard 0101.03, or  
11 any formal revision of this standard.

12 ~~(c)~~ (d) The superintendent shall provide the members of the  
13 State Police with suitable arms and weapons and, when he or she  
14 considers it necessary, with suitably equipped automobiles,  
15 motorcycles, watercraft, airplanes and other means of conveyance to  
16 be used by the West Virginia State Police, the Governor and other  
17 officers and executives in the discretion of the Governor, in times  
18 of flood, disaster and other emergencies, for traffic study and  
19 control, criminal and safety work and in other matters of official  
20 business. He or she shall also provide the standard uniforms for  
21 all members of the State Police, for officers, noncommissioned  
22 officers and troopers provided for in this section. All uniforms  
23 and all arms, weapons and other property furnished the members of

1 the State Police by the State of West Virginia are and remain the  
2 property of the state.

3       ~~(d)~~ (e) The superintendent may purchase and maintain on behalf  
4 of members group life insurance not to exceed the amount of \$5,000  
5 on behalf of each member.

6       ~~(e)~~ (f) The superintendent may contract and furnish at State  
7 Police expense medical and hospital services for treatment of  
8 illness or injury of a member which shall be determined by the  
9 superintendent to have been incurred by the member while engaged in  
10 the performance of duty and from causes beyond control of the  
11 members. Notwithstanding any other provision of this code, the  
12 superintendent has the right of subrogation in any civil action or  
13 settlement brought by or on behalf of a member in relation to any  
14 act by another which results in the illness, injury or death of a  
15 member. To this end, the superintendent may initiate an action on  
16 behalf of the State Police in order to recover the costs incurred  
17 in providing medical and hospital services for the treatment of a  
18 member resulting from injury or illness originating in the  
19 performance of official duties. This subsection shall not affect  
20 the power of a court to apply ordinary equitable defenses to the  
21 right of subrogation.

22       The superintendent may also consult with the executive  
23 director of the Workers' Compensation Commission in an effort to

1 defray the cost of medical and hospital services. In no case will  
2 the compensation rendered to health care providers for medical and  
3 hospital services exceed the then current rate schedule in use by  
4 the Workers' Compensation Commission.

5 Third-party reimbursements received by the superintendent  
6 after the expiration of the fiscal year in which the injury,  
7 illness or death occurred will be deposited to a nonexpiring  
8 special revenue account. Funds deposited to this account may be  
9 used solely for defraying the costs of medical or hospital services  
10 rendered to any sworn members as a direct result of an illness,  
11 injury or death resulting from the performance of official duties.

12 ~~(f)~~ (g) The superintendent shall establish and maintain local  
13 headquarters at those places in West Virginia that are in his or  
14 her judgment suitable and proper to render the West Virginia State  
15 Police most efficient for the purpose of preserving the peace,  
16 protecting property, preventing crime, apprehending criminals and  
17 carrying into effect all other provisions of this article. The  
18 superintendent shall provide, by acquisition, lease or otherwise,  
19 for local headquarters, for housing and quarters for the  
20 accommodation of the members of the West Virginia State Police, and  
21 for any other facilities necessary or useful for the effective  
22 operation of the West Virginia State Police and shall provide all  
23 equipment and supplies necessary for the members of the West

1 Virginia State Police to perform their duties.

NOTE: The purpose of this bill is to require West Virginia law enforcement officers to wear armored vests whenever feasible.

§7-14-16a and §8-14-3a are new; therefore, strike-throughs and underscoring have been omitted.

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