

H. B. 4425

(By Delegates White, (By Request), Marcum, Ferro, Manchin, D. Poling, Caputo, Boggs, Swartzmiller, Craig, Barker and Skaff)

[Introduced February 6, 2014; referred to the Committee on Finance.]

FISCAL NOTE

A BILL to amend and reenact §15-2-4 of the Code of West Virginia, 1931, as amended, relating to giving the Superintendent of State Police authority to hire additional staff, including legal counsel when necessary.

Be it enacted by the Legislature of West Virginia:

That §15-2-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-4. Appointment of commissioned officers, noncommissioned officers, other members; temporary and permanent positions; authority to hire additional staff including legal counsel when necessary.

(a) The superintendent shall appoint, from the enlisted membership of the State Police, a deputy superintendent who shall hold the rank of lieutenant colonel and be next in authority to the superintendent. The superintendent shall appoint, from the enlisted membership of the State Police, the number of other

1 officers and members he or she considers necessary to operate and
2 maintain the executive offices, training school and forensic
3 laboratory; and to keep records relating to crimes and criminals,
4 coordinate traffic safety activities, maintain a system of supplies
5 and accounting and perform other necessary services. The
6 superintendent may employ any other personnel he or she determines
7 necessary and may appoint counsel and legal staff for the State
8 Police.

9 (b) The ranks within the membership of the State Police shall
10 be colonel, lieutenant colonel, major, captain, first lieutenant,
11 second lieutenant, first sergeant, sergeant, corporal, trooper
12 first class, senior trooper, trooper or cadet trooper. Each member
13 while in uniform shall wear the insignia of rank as provided by law
14 and written State Police policies. Members assigned to the
15 forensic laboratory shall hold the title of trooper, be classified
16 as criminalists and wear the insignia of classification as provided
17 by written State Police policies.

18 The superintendent may appoint from the membership of the
19 State Police nineteen principal supervisors who shall receive the
20 compensation and hold the temporary rank of lieutenant colonel,
21 major or captain at the will and pleasure of the superintendent.
22 The superintendent may also appoint from the membership of the
23 executive protection section of the State Police two additional
24 supervisors who shall receive the compensation and hold the

1 temporary rank of first lieutenant and serve at the will and
2 pleasure of the superintendent. Appointments are exempt from any
3 eligibility requirements established by the career progression
4 system: *Provided*, That any member appointed from within the
5 executive protection section of the State Police to the temporary
6 rank of first lieutenant must have completed a minimum of two years
7 service within the executive protection section prior to becoming
8 eligible for such appointment. Any person appointed to a temporary
9 rank under the provisions of this article remains eligible for
10 promotion or reclassification under the provisions of the career
11 progression system if his or her permanent rank is below that of
12 first lieutenant. Upon the termination of a temporary appointment
13 by the superintendent, the member may not be reduced to a rank or
14 classification below his or her permanent rank or classification,
15 unless the reduction results from disciplinary action, and remains
16 eligible for subsequent appointment to a temporary rank.

NOTE: The purpose of this bill is to allow the Superintendent of State Police to hire additional staff to include legal counsel as he or she deems necessary.

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