

1 **Senate Bill No. 620**

2 (By Senators Palumbo, Williams and D. Hall)

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4 [Introduced February 17, 2014; referred to the Committee on  
5 Government Organization; and then to the Committee on Finance.]

6 \_\_\_\_\_ **FISCAL  
NOTE**

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10 A BILL to amend and reenact §15-2-4 of the Code of West Virginia,  
11 1931, as amended, relating to giving the Superintendent of  
12 State Police authority to hire additional staff, including  
13 legal counsel, when necessary.

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

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

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

18 **§15-2-4. Appointment of commissioned officers, noncommissioned**  
19 **officers, other members; temporary and permanent**  
20 **positions; authority to hire additional staff**  
21 **including legal counsel when necessary.**

22 (a) The superintendent shall appoint, from the enlisted  
23 membership of the State Police, a deputy superintendent who shall

1 hold the rank of lieutenant colonel and be next in authority to the  
2 superintendent. The superintendent shall appoint, from the  
3 enlisted membership of the State Police, the number of other  
4 officers and members he or she considers necessary to operate and  
5 maintain the executive offices, training school and forensic  
6 laboratory; and to keep records relating to crimes and criminals,  
7 coordinate traffic safety activities, maintain a system of supplies  
8 and accounting and perform other necessary services. The  
9 superintendent may employ any other personnel he or she determines  
10 necessary and may appoint counsel and legal staff for the State  
11 Police.

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

21 The superintendent may appoint from the membership of the  
22 State Police nineteen principal supervisors who shall receive the  
23 compensation and hold the temporary rank of lieutenant colonel,  
24 major or captain at the will and pleasure of the superintendent.

1 The superintendent may also appoint from the membership of the  
2 executive protection section of the State Police two additional  
3 supervisors who shall receive the compensation and hold the  
4 temporary rank of first lieutenant and serve at the will and  
5 pleasure of the superintendent. Appointments are exempt from any  
6 eligibility requirements established by the career progression  
7 system: *Provided*, That any member appointed from within the  
8 executive protection section of the State Police to the temporary  
9 rank of first lieutenant must have completed a minimum of two years  
10 service within the executive protection section prior to becoming  
11 eligible for such appointment. Any person appointed to a temporary  
12 rank under the provisions of this article remains eligible for  
13 promotion or reclassification under the provisions of the career  
14 progression system if his or her permanent rank is below that of  
15 first lieutenant. Upon the termination of a temporary appointment  
16 by the superintendent, the member may not be reduced to a rank or  
17 classification below his or her permanent rank or classification,  
18 unless the reduction results from disciplinary action, and remains  
19 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.