

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 435**

(Senators Blair, D. Hall, Boso, Carmichael, Kirkendoll,  
Laird, Stollings, Trump, Williams, Prezioso, Plymale,  
Gaunch and Walters, *original sponsors*)

---

[Passed March 4, 2015; in effect ninety days from passage.]

---

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all relating to creating West Virginia Sheriffs' Bureau of Professional Standards; purpose and composition; general powers and duties; officers; promotion of training; standards for vehicles, badges and uniforms; and standards for interagency cooperation.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all to read as follows:

**ARTICLE 26. WEST VIRGINIA SHERIFFS' BUREAU OF PROFESSIONAL STANDARDS.**

**§7-26-1. Creation; purpose; composition.**

1 For the purpose of providing better law enforcement for the counties of our state and for

1 providing standardization and uniformity of services and operation of the sheriff offices throughout  
2 the state, there is hereby created the West Virginia Sheriffs' Bureau of Professional Standards. The  
3 bureau shall be comprised of nine members, including the Secretary of the Department of Military  
4 Affairs and Public Safety, or his or her designee, the Executive Director of the West Virginia  
5 Sheriffs' Association, five sheriffs of the counties of West Virginia, to be selected by the West  
6 Virginia Sheriffs' Association, and two citizen members representing the general public who shall  
7 be appointed by the Secretary of the Department of Military Affairs and Public Safety, with the  
8 consent of the Senate, and whose service shall be conditioned upon signing all necessary  
9 nondisclosure agreements relating to confidential law-enforcement information.. Each bureau  
10 member shall serve a two-year term commencing July 1, 2015, except that three of the first five  
11 sheriffs designated July 1, 2015, shall serve terms expiring July 1, 2016, at which time new  
12 selections for regular two-year terms shall be made for these three positions. Any vacancy on the  
13 bureau shall be filled for the remainder of the unexpired term by selection of the West Virginia  
14 Sheriffs' Association.

15 **§7-26-2. General powers and duties; legislative rules.**

16 The bureau shall have the power to contract and be contracted with relating to training and  
17 operation of state sheriff offices. The bureau may recommend policies and procedures to sheriff  
18 offices, including, but not limited to, those that promote cooperation between all state and local law-  
19 enforcement officers, eliminate duplication of work, promote the proper and efficient operation of  
20 the office of the sheriff and which seek to standardize operation of sheriff offices throughout the  
21 state. The bureau may propose legislative rules which adopt a standard badge, uniform and color  
22 for the motor vehicles used by the various sheriffs and deputy sheriffs of West Virginia.

1     **§7-26-3. Bureau officers.**

2             The bureau shall select a chair, vice chair and secretary from within its appointed members  
3     to keep an accurate record of the actions of the bureau and perform such duties as the bureau may  
4     prescribe.

5     **§7-26-4. Training promoted by the bureau.**

6             The bureau may contract with or agree with any state university or college in West Virginia  
7     or any other organization for a university, college or other organization to provide specialized  
8     training for sheriffs and deputies as it deems appropriate for the efficient operation of a sheriff's  
9     office: *Provided*, That nothing herein shall be construed to circumvent or replace the duties or  
10    authority of the training of law-enforcement officers in this state as prescribed in article twenty-nine,  
11    chapter thirty of this code.

12    **§7-26-5. Standard color for motor vehicles used by sheriffs; standard badges and uniforms;  
13             wearing other than standard uniform or badge; unauthorized wearing of official  
14             uniforms or badges.**

15             (a) The bureau, by legislative rules, may adopt a standard color for the motor vehicles used  
16    by the various sheriffs and deputy sheriffs of West Virginia.

17             (b) For purposes of uniformity, the bureau may establish a standard badge and uniform to be  
18    worn by all sheriffs and deputy sheriffs.

19             (c) On and after July 1, 2015, any sheriff or deputy sheriff shall not wear any uniform or  
20    badge other than the standard uniform and badge as provided in subsection (b) of this section, except  
21    when engaged in specialized duty or undercover work, or other similar duties wherein the identity  
22    of the officer should be undisclosed: *Provided*, That nothing herein shall be construed to prevent

1 members of any military, fraternal or similar organization or any other law-enforcement officer from  
2 wearing any insignia officially adopted or worn prior to the effective date of this section.

3 (d) Nothing in this article prevents an honorably retired sheriff or deputy sheriff from  
4 acquiring a standard uniform and insignia in accordance with section seventeen-d, article fourteen  
5 of this chapter.

6 **§7-26-6. Standards for interagency cooperation.**

7 (a) This section is created for the purpose of enhancing cooperative efforts undertaken by  
8 sheriff offices for the more efficient investigation and apprehension of persons who violate the  
9 criminal laws of the state of West Virginia or the United States and also to assist the victims of such  
10 crimes. The provisions of this section are meant to promote interagency communication, intelligence  
11 gathering, multijurisdictional investigations, provision of personnel to work on temporary special  
12 assignment with the personnel of another sheriff's office and making available equipment, training,  
13 technical assistance and information systems.

14 (b) Sheriffs and deputy sheriffs may, from time to time, be called upon by a sheriff of another  
15 jurisdiction for assistance during incidents where the resources of that county are not adequate to  
16 meet the needs of a particular circumstance or emergency in accordance with article ten, chapter  
17 fifteen of this code. Sheriffs and deputy sheriffs are hereby authorized to provide multiagency  
18 assistance to another county pursuant to the requirements outlined in this section: *Provided*, That  
19 any mutual aid agreement entered into by a sheriff of any county shall remain in effect unless and  
20 until the agreement is withdrawn in writing by the sheriff of that county, regardless of whether a new  
21 sheriff of the county is elected or appointed.

22 (c) The provisions of this section apply only to requests for assistance made by and to

1 authorized representatives of a sheriff's office whose jurisdiction is involved in a mutual aid  
2 agreement pursuant to article ten, chapter fifteen of this code. The provisions of this section shall be  
3 activated only upon request by one of the aforementioned authorized representatives or their  
4 designee.