

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 435

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

[Originating in the Committee on Government Organization;
reported February 18, 2015.]

A BILL 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

[COM. SUB. FOR S. B. NO. 435]

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 seven 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 and five sheriffs of the counties of West Virginia, to be selected by the West
6 Virginia Sheriffs' Association. Each bureau member shall serve a two-year term commencing July
7 1, 2015, except that three of the first five sheriffs designated July 1, 2015, shall serve terms expiring
8 July 1, 2016, at which time new selections for regular two-year terms shall be made for these three
9 positions. Any vacancy on the bureau shall be filled for the remainder of the unexpired term by
10 selection of the West Virginia Sheriffs' Association.

11 **§7-26-2. General powers and duties; legislative rules.**

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

19 **§7-26-3. Bureau officers.**

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

1 prescribe.

2 **§7-26-4. Training promoted by the bureau.**

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

9 **§7-26-5. Standard color for motor vehicles used by sheriffs; standard badges and uniforms;
10 wearing other than standard uniform or badge; unauthorized wearing of official
11 uniforms or badges.**

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

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

16 (c) On and after July 1, 2015, any sheriff or deputy sheriff shall not wear any uniform or
17 badge other than the standard uniform and badge as provided in subsection (b) of this section, except
18 when engaged in specialized duty or undercover work, or other similar duties wherein the identity
19 of the officer should be undisclosed: *Provided*, That nothing herein shall be construed to prevent
20 members of any military, fraternal or similar organization or any other law-enforcement officer from
21 wearing any insignia officially adopted or worn prior to the effective date of this section.

[COM. SUB. FOR S. B. NO. 435]

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

4 **§7-26-6. Standards for interagency cooperation.**

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

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

20 (c) The provisions of this section apply only to requests for assistance made by and to
21 authorized representatives of a sheriff's office whose jurisdiction is involved in a mutual aid

[COM. SUB. FOR S. B. NO. 435]

1 agreement pursuant to article ten, chapter fifteen of this code. The provisions of this section shall be
2 activated only upon request by one of the aforementioned authorized representatives or their
designee.

(NOTE: This bill creates the West Virginia Sheriffs Professional Standards Bureau.

This article is new; therefore strike-throughs and underscoring have been omitted.)