

H. B. 2983

(By Mr. Speaker (Mr. Armstead) (By Request))

[Introduced February 24, 2015; referred to the

Committee on the Judiciary.]

A BILL to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended, relating to prohibit a county parks commission from rule-making authority as it regards firearms.

Be it enacted by the Legislature of West Virginia:

That §7-11-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.

§7-11-5. General powers of commission; rules and regulations; misdemeanor offenses; park police authorized.

The commission shall have the necessary powers and authority to manage and control all public parks and recreational properties and facilities owned by the county or commission and used as a part of such public parks and recreation system, including the right to promulgate rules and regulations concerning the management and control of such parks and recreational properties and facilities, with the exception of rules and regulations prohibiting firearms, and to enforce any such

1 rules and regulations so promulgated.

2 The commission shall also have plenary power and authority to prepare and submit to the
3 county ~~court~~ commission for adoption rules and regulations regulating the use of any parks and
4 recreational properties and facilities under the control of the commission and prohibiting any type
5 of use of or activities in connection with any such properties or facilities, and any such rules and
6 regulations, if so adopted, shall be duly entered of record in the order book of the county ~~court~~
7 commission. The violation of any such rule and regulation so adopted by the county ~~court~~
8 commission shall constitute a misdemeanor, and any person convicted of any such violation shall
9 be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment in jail for a period
10 not exceeding thirty days, or by both such fine and imprisonment. ~~Justices of the peace~~ Magistrates
11 of the county shall have concurrent jurisdiction with the circuit court and other courts of record
12 (having criminal jurisdiction) of any misdemeanor offenses arising under this article. The violation
13 of any such rule and regulation which also constitutes the violation of any state law or municipal
14 ordinance may be prosecuted and punished as a violation of such state law or municipal ordinance
15 rather than under the provisions of this section. To enforce any such rules and regulations, to protect
16 and preserve all properties and facilities under the control of the commission and to preserve law and
17 order in connection therewith, the commission shall have plenary power and authority to provide in
18 its bylaws procedures for the appointment, supervision and discharge of one or more park police
19 officers. Whenever any such appointment is made, a copy of the order of appointment shall be filed
20 by the commission with the county ~~court~~ commission.

21 In any area under the jurisdiction and control of the commission, or in connection with any
22 properties or facilities under the jurisdiction and control of the commission, or in pursuit of one or

1 more individuals therefrom, any park police officer so appointed shall have all of the power and
2 authority which a regularly appointed deputy sheriff of such county has in enforcing the criminal
3 laws of the state. Notwithstanding any provisions of this code to the contrary, park police officers
4 appointed as aforesaid shall not be required to obtain a state license to carry a weapon, as required
5 by the provisions of section two, article seven, chapter sixty-one of this code. When any such
6 commission has purchased one or more policies of public liability insurance providing the
7 commission and its officers, agents and employees insurance coverage for legal liability of said
8 commission and its officers, agents and employees for bodily injury, personal injury or damage
9 (including, but not limited to, false arrest and false imprisonment) and property damage, and
10 affording said commission and its officers, agents and employees insurance coverage against any and
11 all legal liability arising from, growing out of, by reason of or in any way connected with, any acts
12 or omissions of said commission, or its officers, agents or employees in the performance of their
13 official duties, and so long as the coverage aforesaid remains in full force and effect as to such park
14 police officers, then the bond specified in section five, article seven of said chapter sixty-one shall
15 not be required as to such park police officers.

NOTE: The purpose of this bill is to prohibit a county parks commission from rule-making authority as it regards firearms.

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