

Senate Bill No. 426

(By Senators Plymale, Prezioso, Beach, Carmichael, D. Hall, Kessler, Walters, and Williams)

[Introduced February 6, 2015; referred to the Committee on Education.]

A BILL to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-29-8 of said code, all relating to campus police officers of state institutions of higher learning; allowing governing boards of state institutions of higher learning to apply for grants and other awards available to law-enforcement agencies; authorizing state institutions of higher learning to compensate employees for attending law-enforcement training academies; and providing for agreements to reimburse employers for wages and expenses of employees trained but not continuing employment.

Be it enacted by the Legislature of West Virginia:

That §18B-4-5 the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §30-29-8 of said code be amended and reenacted, all to read as follows:

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation and removal.

1 (a) The governing boards may appoint bona fide residents of this state to serve as campus
2 police officers upon any premises owned or leased by the State of West Virginia and under the
3 jurisdiction of the governing boards, subject to the conditions and restrictions established in this
4 section.

5 (1) A person who previously was qualified for employment as a law-enforcement officer for
6 a state agency or political subdivision of the state is considered certified for appointment as a campus
7 police officer at the state institutions of higher education under the jurisdiction of the governing
8 boards of Marshall University and West Virginia University.

9 (2) Before performing duties as a campus police officer in any county, a person shall qualify
10 as is required of county police officers by:

11 (A) Taking and filing an oath of office as required by article one, chapter six of this code; and

12 (B) Posting an official bond as required by article two, chapter six of this code.

13 (b) A campus police officer may carry a gun and any other dangerous weapon while on duty
14 if the officer fulfills the certification requirement for law-enforcement officers under section five,
15 article twenty-nine, chapter thirty of this code or meets the requirements of subsection (a) of this
16 section.

17 (c) It is the duty of a campus police officer to preserve law and order:

18 (1) On the premises under the jurisdiction of the governing board; and

19 (2) On any street, road or thoroughfare, except controlled access and open country highways,
20 immediately adjacent to or passing through premises, to which the officer is assigned by the
21 president of the state institution of higher education.

22 (A) For the purpose of this subdivision, the campus police officer is a law-enforcement

1 officer pursuant to the provisions of section one, article twenty-nine, chapter thirty of this code.

2 (B) The officer has and may exercise all the powers and authority of a law-enforcement
3 officer as to offenses committed within the area assigned;

4 (C) The officer is subject to all the requirements and responsibilities of a law-enforcement
5 officer;

6 (D) Authority assigned pursuant to this subdivision does not supersede in any way the
7 authority or duty of other law-enforcement officers to preserve law and order on such premises.

8 (E) Campus police officers may assist a local law-enforcement agency on public highways.
9 The assistance may be provided to control traffic in and around premises owned by the state when:

10 (I) Traffic is generated as a result of athletic or other activities conducted or sponsored by a
11 state institution of higher education; and

12 (ii) The assistance has been requested by the local law-enforcement agency.

13 (F) Campus police officers may assist a local law-enforcement agency in any location under
14 the agency's jurisdiction at the request of the agency.

15 (d) The salary of a campus police officer is paid by the appropriate governing board. Each
16 state institution may furnish each campus police officer with a firearm and an official uniform to be
17 worn while on duty. The institution shall furnish and require each officer while on duty to wear a
18 shield with an appropriate inscription and to carry credentials certifying to the person's identity and
19 authority as a campus police officer.

20 (e) A governing board may at its pleasure revoke the authority of any campus police officer
21 and such officers serve at the will and pleasure of the governing board. The president of the state
22 institution shall report the termination of employment of a campus police officer by filing a notice

1 to that effect in the office of the clerk of each county in which the campus police officer's oath of
2 office was filed.

3 (f) Notwithstanding any other provisions of this code to the contrary, governing boards of
4 institutions of higher education may, for purposes of enhancing the ability of campus police officers
5 to perform their duties, apply for and receive any public or private grant or other financial award
6 available to other West Virginia law-enforcement agencies.

7 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

8 **ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.**

9 **§30-29-8. Compensation for employees attending law-enforcement training academy;**
10 **limitations; agreements to reimburse employers for wages and expenses of**
11 **employees trained but not continuing employment.**

12 A West Virginia law-enforcement agency shall, and a state institution of higher education
13 may, pay compensation to employees, including wages, salaries, benefits, tuition and expenses for
14 the employees' attendance at a law-enforcement training academy. The compensation paid to the
15 employees of a law-enforcement agency or institution of higher education for attendance at a law-
16 enforcement training academy as provided in this section ~~shall~~ may not include overtime
17 compensation under the provisions of section three, article five-c, chapter twenty-one of this code
18 and shall be at the regular rate to which the employee would be entitled for a workweek of forty
19 hours in regular employment with the agency. In consideration for ~~such~~ the compensation, the state
20 institution of higher education, county commission or municipal government may require of its
21 employees by written agreement entered into with each of them in advance of such attendance at a
22 training academy that, if an employee should voluntarily discontinue employment any time within

- 1 one year immediately following completion of the training curriculum, he or she ~~shall be~~ is obligated
- 2 to pay to ~~such~~ the state institution of higher education, county commission or municipal government
- 3 a pro rata portion of the sum of ~~such~~ the compensation equal to that part of ~~such~~ the year which the
- 4 employee has chosen not to remain in the employ of ~~the~~ that state institution of higher education,
- 5 county commission or municipal government.

NOTE: The purpose of this bill is to authorize institutions of higher learning to apply for grants available to law-enforcement agencies for the benefit of campus police officers and to authorize institutions of higher learning to enter into agreements related to providing compensation for employees to attend law-enforcement training academies.

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