

ENROLLED

H. B. 2780

(BY DELEGATE(S) PASDON, STATLER, KURCABA,
DUKE, SOBONYA, ESPINOSA, ROHRBACH, FLEISCHAUER,
MILLER AND MORGAN)

[Passed March 12, 2015;
in effect ninety days from passage.]

AN ACT 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 enhancing the ability of campus police officers at state institutions of higher education to perform their duties; authorizing certain higher education campus police officers to receive compensation for attending law-enforcement training academies; authorizing governing boards to apply for certain funds available to law-enforcement agencies; authorizing governing boards to compensate campus police officers 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 of 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; law enforcement grants.

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

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

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

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

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

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

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

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

28 (2) On any street, road or thoroughfare, except controlled
29 access and open country highways, immediately adjacent to or
30 passing through premises, to which the officer is assigned by the
31 president of the institution.

32 (A) For the purpose of this subdivision, the campus police
33 officer is a law-enforcement officer pursuant to the provisions of
34 section one, article twenty-nine, chapter thirty of this code.

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

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

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

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

48 (i) Traffic is generated as a result of athletic or other
49 activities conducted or sponsored by the institution; and

50 (ii) The assistance has been requested by the local
51 law-enforcement agency; and

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

55 (d) The salary of a campus police officer is paid by the
56 employing governing board. A state institution may furnish each
57 campus police officer with a firearm and an official uniform to
58 be worn while on duty. The institution shall furnish and require
59 each officer while on duty to wear a shield with an appropriate
60 inscription and to carry credentials certifying the person's
61 identity and authority as a campus police officer.

62 (e) A governing board may at its pleasure revoke the
63 authority of any campus police officer and such officers serve at
64 the will and pleasure of the governing board. The president of
65 the state institution shall report the termination of employment
66 of a campus police officer by filing a notice to that effect in the
67 office of the clerk of each county in which the campus police
68 officer's oath of office was filed.

69 (f) Notwithstanding any other provisions of this code to the
70 contrary, and for purposes of enhancing the ability of campus
71 police officers to perform their duties, a governing board may
72 apply for and receive any public or private grant or other
73 financial award that is available to other law-enforcement
74 agencies in the state.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

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

1 (a) A West Virginia law-enforcement agency shall, and a
2 governing board may, pay compensation to employees, including
3 wages, salaries, benefits, tuition and expenses, for the
4 employees' attendance at a law-enforcement training academy.
5 The compensation paid to the employees for such attendance

6 may not include overtime compensation under the provisions of
7 section three, article five-c, chapter twenty-one of this code and
8 shall be at the regular rate to which each employee would be
9 entitled for a workweek of forty hours in regular employment
10 with the employer.

11 (b) In consideration for such compensation, the governing
12 board, county commission or municipal government may
13 require each employee to enter into a written agreement in
14 advance of such attendance that obligates the employee to repay
15 the employer if he or she voluntarily discontinues employment
16 within one year immediately following completion of the
17 training curriculum. The amount of repayment shall be a pro rata
18 portion of the total compensation which is equal to the portion
19 of the year which the employee chose not to remain employed.

20 (c) As used in this section, "governing board" has the
21 meaning ascribed in section two, article one, chapter eighteen-b
22 of this code.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

