

# H. B. 2780

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[Introduced February 17, 2015; referred to the  
Committee on Education; and then to the Committee on Finance.]

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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 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 ~~state~~ institution. ~~of higher education~~

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 ~~a state~~ the institution; of  
50 ~~higher education~~ and

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

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

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

63 (e) A governing board may at its pleasure revoke the  
64 authority of any campus police officer and such officers serve at  
65 the will and pleasure of the governing board. The president of  
66 the state institution shall report the termination of employment  
67 of a campus police officer by filing a notice to that effect in the

68 office of the clerk of each county in which the campus police  
69 officer's oath of office was filed.

70 (f) Notwithstanding any other provisions of this code to the  
71 contrary, and for purposes of enhancing the ability of campus  
72 police officers to perform their duties, a governing board may  
73 apply for and receive any public or private grant or other  
74 financial award that is available to other law-enforcement  
75 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 of ~~a law-enforcement~~  
6 ~~agency~~ for such attendance ~~at a law-enforcement training~~  
7 ~~academy as provided in this section shall~~ may not include

8 overtime compensation under the provisions of section three,  
9 article five-c, chapter twenty-one of this code and shall be at the  
10 regular rate to which ~~the~~ each employee would be entitled for a  
11 workweek of forty hours in regular employment with the ~~agency~~  
12 employer.

13 (b) In consideration for such compensation, the governing  
14 board, county commission or municipal government may require  
15 ~~of its employees by written agreement entered into with each of~~  
16 ~~them~~ each employee to enter into a written agreement in advance  
17 of such attendance ~~at a training academy that, if an employee~~  
18 ~~should voluntarily discontinue employment any time that~~  
19 obligates the employee to repay the employer if he or she  
20 voluntarily discontinues employment within one year  
21 immediately following completion of the training curriculum. ~~he~~  
22 ~~or she shall be obligated to pay to such county commission, or~~  
23 ~~municipal government~~ The amount of repayment shall be a pro  
24 rata portion of the sum of such total compensation which is equal  
25 to that part of such the portion of the year which the employee  
26 ~~has chosen~~ chose not to remain in the employ of the county  
27 ~~commission, or municipal government~~ employed.

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

NOTE: The purpose of this bill is to authorize governing boards to apply for funds available to law-enforcement agencies for the benefit of campus police officers and to enter into agreements for compensation of employees for attending 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.