

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4253

BY DELEGATES KESSINGER, HILL, PAYNTER, HOWELL AND

FRICH

[Introduced January 22, 2018; Referred
to the Committee on Fire Departments and Emergency
Medical Services then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended; by adding thereto a new section,
 2 designated §7-15-19; to amend said code by adding thereto a new section designated §8-
 3 15-28; and to amend said code by adding thereto a new section designated §16-4C-24,
 4 all relating to creating the “Responders Protection Act” authorizing certain responders to
 5 carry firearms; authorizing supervising entities to authorize ambulance crew members,
 6 firefighters, rescue squad members and emergency service personnel to carry firearms;
 7 specifying the training required for them to be eligible to carry a firearm; allowing
 8 reimbursement for the cost of the training; and requiring proposal of rules relating to this
 9 issue.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 15. EMERGENCY AMBULANCE SERVICE ACT OF 1975.

§7-15-19. Ambulance crew’s authority to carry firearm.

1 Notwithstanding any provision of this code to the contrary, an authority may authorize an
 2 emergency medical service personnel to carry a firearm in the course of performing official duties
 3 if the member has first successfully completed a firearms training and certification program and
 4 the member maintains certification in a manner which is equivalent to that which is required of
 5 members of the State Police. The authority may reimburse the member for the cost of the training
 6 and maintenance: *Provided*, That if the authority does not pay for the cost of the training and
 7 maintenance, the authority may specify the training required of its personnel in order to carry a
 8 firearm in the course of performing official duties, which shall require a member to first
 9 successfully complete a firearms training and certification program and maintain certification in a
 10 manner which is equivalent to that which is required of members of the State Police. The authority
 11 shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to
 12 carry out and implement the provisions of this section.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.

§8-15-28. Firefighters’ and rescue squad members’ authority to carry firearm.

1 Notwithstanding any provision of this code to the contrary, a department may authorize a
2 firefighter or rescue squad member to carry a firearm in the course of performing official duties if
3 the firefighter or rescue squad member has first successfully completed a firearms training and
4 certification program and the member maintains certification in a manner which is equivalent to
5 that which is required of members of the State Police. The department may reimburse the
6 firefighter or rescue squad member for the cost of the training and maintenance: *Provided, That*
7 if a department does not pay for the cost of the training and maintenance, the department may
8 specify the training required of its personnel in order to carry a firearm in the course of performing
9 official duties, which shall require a member to first successfully complete a firearms training and
10 certification program and maintain certification in a manner which is equivalent to that which is
11 required of members of the State Police. A department shall propose rules for legislative approval
12 in accordance with §29A-3-1 *et seq.* of this code to carry out and implement the provisions of this
13 section.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-24. Emergency medical service personnel’s authority to carry firearm.

1 Notwithstanding any provision of this code to the contrary, an emergency medical service
2 agency may authorize emergency medical service personnel to carry a firearm in the course of
3 performing official duties if the individual has first successfully completed a firearms training and
4 certification program and the individual maintains certification in a manner which is equivalent to
5 that which is required of members of the State Police. The Department may reimburse the

6 individual for the cost of the training and maintenance: *Provided*, That if the agency does not pay
7 for the cost of the training and maintenance, the agency may specify the training required of its
8 personnel in order to carry a firearm in the course of performing official duties, which shall require
9 a member to first successfully complete a firearms training and certification program and maintain
10 certification in a manner which is equivalent to that which is required of members of the State
11 Police. The agency shall propose rules for legislative approval in accordance with §29A-3-1 *et*
12 *seq.* of this code to carry out and implement the provisions of this section.

NOTE: The purpose of this bill is to authorize supervising entities to authorize ambulance crew members, firefighters, rescue squad members and emergency service personnel to carry firearms. It specifies the training required for them to be eligible to carry a firearm and allows them to be reimbursed for the cost of the training. In the alternative, the supervising entity may specify the training required in order for personnel to carry a firearm in the course of employment. The supervising entity is required to propose rules relating to this issue. This legislation is to be known as "The Responders Protection Act".

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