

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 102

BY SENATOR TRUMP

[Introduced January 9, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §51-3-19, relating to granting courthouse security officers arrest powers under
3 certain circumstances; authorizing certain West Virginia courthouse security officers to
4 carry concealed firearms while off duty with court approval; setting forth firearm training
5 and qualification requirements; requiring supervising authority to issue photo identification
6 and certification cards; specifying policy content; and stating legislative intent that the new
7 code section be consistent with the federal Law-Enforcement Officers Safety Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. COURTS IN GENERAL.

§51-3-19. Courthouse security personnel; arrest authority; concealed-carry authority; requirements for participation; authorization to carry firearms concealed consistent with federal law.

1 (a) In furtherance of enhanced courthouse security for court personnel, litigants, and the
2 general public, court security officers charged with effecting courthouse security personnel may
3 arrest any person committing a violation of the criminal laws of the State of West Virginia, the
4 United States, or a violation of Rule 42 of the West Virginia Rules of Criminal Procedure occurring
5 within a courthouse.

6 (b) For purposes of §51-3-19(a) of this code, the arrest authority of courthouse security
7 personnel is consistent with that of a county deputy sheriff.

8 (c) In any judicial circuit where there is an order in effect authorizing courthouse security
9 personnel to carry a firearm, the circuit court may also authorize, consistent with the provisions of
10 this section, those individuals to carry a concealed firearm for self-defense purposes pursuant to
11 18 U.S.C. §926B, and under those circumstances the following criteria must be met:

12 (1) The supervising authority of the courthouse security personnel shall require courthouse
13 personnel to regularly qualify in the use of firearms with standards therefor which are equal to or
14 exceed those required of sheriff's deputies in the county in which the courthouse security

15 personnel are employed;

16 (2) The supervising authority of the courthouse security personnel shall issue
17 photographic identification and certification cards which identify the courthouse security personnel
18 as law-enforcement employees of the supervising entity pursuant to the provisions of §30-29-12
19 of this code;

20 (3) Any policy instituted pursuant to this section shall include provisions that:

21 (A) Preclude or remove a person from participation in the concealed firearm program who
22 is subject to any disciplinary or legal action which could result in the loss of his or her authority to
23 participate in the program;

24 (B) Preclude from participation persons prohibited by federal or state law from possessing
25 or receiving a firearm; and

26 (C) Prohibit persons from carrying a firearm pursuant to this subsection while in an
27 impaired state as defined in §17C-5-2 of this code; and

28 (4) A courthouse security officer who participates in a program authorized by this section
29 is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and
30 ammunition for use when not engaged in his or her official duties.

31 (d) It is the intent of the Legislature in enacting this section during the 2019 regular session
32 of the Legislature that active courthouse security personnel meeting all the requirements of this
33 section to also meet the requirements of the federal Law-Enforcement Officers Safety Act.

NOTE: The purpose of this bill is to authorize certain West Virginia courthouse security officers to carry concealed firearms while off duty with court approval. The bill grants courthouse security officers arrest powers under certain circumstances. The bill sets forth firearm training and qualification requirements. The bill requires supervising authority to issue photo identification and certification cards. The bill specifies policy content. The bill states legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety 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.