

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

**Introduced**

### **House Bill 2135**

**FISCAL  
NOTE**

BY DELEGATE CAPUTO

[Introduced January 9, 2019; Referred  
to the Committee on Veterans' Affairs and Homeland  
Security then Finance.]

1 A BILL to amend and reenact §15-2-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring the Superintendent of the State Police to develop a plan to increase the  
 3 number of troopers to a minimum of 800 by July 1, 2020.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. WEST VIRGINIA STATE POLICE.**

**§15-2-3. State Police structure; how established; training; special revenue account.**

1 (a) The superintendent shall create, appoint and equip the State Police which shall consist  
 2 of the number of troops, districts and detachments required for the proper administration of the  
 3 State Police. Each troop, district or detachment shall be composed of the number of officers and  
 4 members the superintendent determines are necessary to meet operational needs and are  
 5 required for the efficient operation of the State Police. The superintendent shall develop a program  
 6 to enable the state to attain a minimum number of 800 troopers by July 1, 2020. The  
 7 superintendent shall establish the general organizational structure of the State Police by  
 8 interpretive rule in accordance with the provisions of §29A-3-1 *et seq.* of this code. The  
 9 superintendent shall provide adequate facilities for the training of all members of the State Police  
 10 and shall prescribe basic training requirements for newly enlisted members. He or she shall also  
 11 provide advanced or in-service training, from time to time, for all members of the State Police.  
 12 The superintendent shall hold entry-level training classes for other law-enforcement officers in the  
 13 state without cost to those officers, except actual expenses for food, lodging and school supplies.  
 14 The superintendent may hold advanced levels of training classes for other law-enforcement  
 15 officers and those individuals in law enforcement-related professions for a reasonable daily fee  
 16 per student not to exceed \$100. The superintendent may also allow the use of classrooms,  
 17 firearms training facilities and other training venues by other agencies or entities for a daily fee  
 18 not to exceed \$100 per day, per venue.

19 (b) There is hereby created in the State Treasury a special revenue account, which shall  
 20 be an interest bearing account, to be known as the Academy Training and Professional

21 Development Fund. The special revenue account shall consist of training fees, any appropriations  
22 that may be made by the Legislature, income from the investment of moneys held in the special  
23 revenue account and all other sums available for deposit to the special revenue account from any  
24 source, public or private. No expenditures, for purposes of this section, are authorized from  
25 collections except in accordance with the provisions of §12-3-1 *et seq.* of this code and upon  
26 fulfillment of the provisions set forth in §11B-2-1 *et seq.* of this code. Any balance remaining in  
27 the special revenue account at the end of any state fiscal year does not revert to the General  
28 Revenue Fund but remains in the special revenue account and shall be used solely in a manner  
29 consistent with this article. The superintendent is authorized to expend funds from the account to  
30 offset operational and training costs; for building maintenance and repair; for purchases and for  
31 equipment repair or replacement for the West Virginia State Police Academy; and to defray  
32 necessary expenses incidental to those and other activities associated with law-enforcement  
33 training.

34 (c) There is hereby created in the State Treasury a special revenue account, which is an  
35 interest bearing account, to be known as the State Police 100th Anniversary Fund. The special  
36 revenue account shall consist of merchandise sales, any appropriations that may be made by the  
37 Legislature, income from the investment of moneys held in the special revenue account and all  
38 other sums available for deposit to the special revenue account from any source, public or private.  
39 No expenditures for purposes of this section are authorized from collections except in accordance  
40 with the provisions of §12-3-1 *et seq.* of this code and upon fulfillment of the provisions set forth  
41 in §11B-2-1 *et seq.* of this code. Any balance remaining in the special revenue account at the end  
42 of any state fiscal year does not revert to the General Revenue Fund but remains in the special  
43 revenue account and shall be used solely in a manner consistent with this article. The  
44 superintendent is authorized to expend funds from the account to offset costs for the 100th  
45 anniversary celebration; for purchasing 100th anniversary commemorative merchandise,  
46 equipment and vehicles; and to defray necessary expenses incidental to those and other activities

47 associated with the 100th anniversary of the West Virginia State Police. This fund expires on  
48 December 31, 2019, and remaining funds shall be transferred to the Academy Training and  
49 Professional Development Fund.

50 (d) The superintendent may hold training classes for certification to access and use the  
51 West Virginia Automated Police Network for a reasonable daily fee per student not to exceed  
52 \$100.

53 (e) There is hereby created in the State Treasury a special revenue account, which is an  
54 interest bearing account, to be known as the West Virginia State Police Criminal Justice  
55 Information Services Fund. The special revenue account shall consist of: Fees collected for  
56 training and certification for access to the West Virginia Automated Police Network system; any  
57 appropriations that may be made by the Legislature; income from the investment of moneys held  
58 in the special revenue account; and all other sums available for deposit to the special revenue  
59 account from any source, public or private. Any balance remaining in the special revenue account  
60 at the end of any state fiscal year does not revert to the General Revenue Fund but remains in  
61 the special revenue account and may be used solely in a manner consistent with this article. The  
62 superintendent is authorized to expend funds from the account for the following purposes: To  
63 offset operational and training costs; for building maintenance and repair; for purchases and for  
64 equipment repair; personal services; software; other associated maintenance costs; and to defray  
65 necessary expenses incidental to those and other activities associated with the communications  
66 section of the West Virginia State Police.

NOTE: The purpose of this bill is to require the Superintendent of the State Police to develop a plan to increase the number of troopers to a minimum of 800 by July 1, 2020.

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