

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENROLLED**

## **House Bill 4715**

BY DELEGATES CAPITO, NELSON, BYRD, ROBINSON,  
PUSHKIN, ESTEP-BURTON, ROWE, SKAFF, BARTLETT AND  
D. JEFFRIES

[Passed March 7, 2020; in effect ninety days from passage.]



1 AN ACT to amend and reenact §8-14-3 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact §8-15-1 of said code, all relating to authorizing municipalities to grant  
3 certain fire department employees limited powers of arrest in relation to their duties; setting  
4 the limits of their power to arrest; authorizing designated fire department employees to file  
5 complaints with appropriate courts; requiring initial and annual training of designated fire  
6 department employees as established by the State Fire Commission and the State Fire  
7 Marshal.

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

**ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS,  
AUTHORITY, AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND  
POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING  
LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR  
CERTAIN POLICE DEPARTMENTS.**

**§8-14-3. Powers, authority, and duties of law-enforcement officials and policemen.**

1 The chief and any member of the police force or department of a municipality, any  
2 municipal sergeant, and any municipal fire marshal shall have all of the powers, authority, rights,  
3 and privileges within the corporate limits of the municipality with regard to the arrest of persons,  
4 the collection of claims, and the execution and return of any search warrant, warrant of arrest, or  
5 other process, which can legally be exercised or discharged by a deputy sheriff of a county:  
6 *Provided*, That any municipal fire marshal granted authority under this section shall have these  
7 powers, authority, rights, and privileges only to the limits described in §8-15-1 of this code. In  
8 order to arrest for the violation of municipal ordinances and as to all matters arising within the  
9 corporate limits and coming within the scope of his or her official duties, the powers of any chief,  
10 policeman, municipal fire marshal, or sergeant shall extend anywhere within the county or  
11 counties in which the municipality is located, and any chief, policeman, municipal fire marshal, or

12 sergeant shall have the same authority of pursuit and arrest beyond his or her normal jurisdiction  
13 as has a sheriff. For an offense committed in his or her presence, any such officer may arrest the  
14 offender without a warrant and take the offender before the mayor or police court or municipal  
15 court to be dealt with according to law. His or her sureties are liable to all the fines, penalties, and  
16 forfeitures which a deputy sheriff is liable to, for any failure or dereliction in such office, to be  
17 recovered in the same manner and in the same courts in which the fines, penalties, and forfeitures  
18 are recovered against a deputy sheriff. In addition to the mayor, or police court judge or municipal  
19 court judge, if any, of a city, the chief of police of any municipality and in the absence from the  
20 station house of the chief of police the captains of police and lieutenants of police shall each have  
21 authority to administer oaths to complainants and to issue arrest warrants thereon for all violations  
22 of the ordinances of the municipality.

23         The mayor and police officers of every municipality and any municipal sergeant shall aid  
24 in the enforcement of the criminal laws of the state within the municipality, independently of any  
25 charter provision or any ordinance or lack of an ordinance with respect thereto, and to cause the  
26 arrest of, or arrest, any offender and take him or her before a magistrate to be dealt with according  
27 to the law. Failure on the part of any such official or officer to discharge any duty imposed by the  
28 provisions of this section is official misconduct for which he or she may be removed from office.  
29 Any official or officer has the same authority to execute a warrant issued by a magistrate, and the  
30 same authority to arrest without a warrant for offenses committed in his or her presence, as a  
31 deputy sheriff.

32         An officer or member of the police force or department of a municipality may not aid or  
33 assist either party in any labor trouble or dispute between employer and employee. They shall in  
34 these cases see that the statutes and laws of this state and municipal ordinances are enforced in  
35 a legal way and manner. Nor shall he or she engage in off-duty police work for any party engaged  
36 in or involved in the labor dispute or trouble between employer and employee.

37           The chief of police shall be charged with the keeping and security of the jail, and at any  
38 time that one or more prisoners are being held in the jail, he or she shall require that the jail be  
39 attended by a police officer or other responsible person.

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

**PART I. FIRE FIGHTING GENERALLY.**

**§8-15-1. Power and authority of governing body with respect to fires.**

1           The governing body of every municipality shall have plenary power and authority to  
2 provide for the prevention and extinguishment of fires and, for this purpose, it may, among other  
3 things, regulate how buildings shall be constructed, procure proper engines and implements,  
4 provide for the organization, equipment, and government of volunteer fire companies or of a paid  
5 fire department, prescribe the powers and duties of the companies or department, and of the  
6 several officers, provide for the appointment of officers to have command of firefighting, prescribe  
7 what their powers and duties shall be, and impose on those who fail or refuse to obey any lawful  
8 command of the officers any penalty which the governing body is authorized by law to impose for  
9 the violation of an ordinance. It may give authority to any the officer or officers to direct the pulling  
10 down or destroying of any fence, house, building, or other thing, if determined necessary to  
11 prevent the spreading of a fire. It may give authority to municipal fire marshals to (1) arrest any  
12 individual disobeying lawful orders at the scene of a fire, (2) arrest any individual who violates  
13 prohibitions against arson and explosives offenses, malicious burning, obstructing a fire marshal,  
14 or failing to obey lawful orders, (3) arrest without a warrant, if the unlawful conduct occurs in their  
15 presence, and (4) file criminal complaints with the municipal court or other appropriate judicial  
16 officer in order to obtain a warrant for the arrest and initiate a criminal matter: *Provided*, That any  
17 officer given this authority shall receive initial and annual training that complies with Law  
18 Enforcement Core Training Standards of the West Virginia State Fire Commission and the West  
19 Virginia State Fire Marshal.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2020.

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*Governor*