

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2495

BY DELEGATE KUMP, BIBBY, WILSON AND PORTERFIELD

[Introduced January 17, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §51-3-19 relating to authorizing certain West Virginia courthouse security
3 officers to carry concealed firearms; setting forth requirements; granting courthouse
4 security officers arrest powers under certain circumstances; and, stating legislative intent
5 that the new code section be consistent with the federal Law-Enforcement Officers Safety
6 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 effective courthouse security shall have the
3 authority to arrest any person committing a violation of the criminal laws 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 and in the presence of the courthouse security officer.

6 (b) For the purposes of subsection (a) of this section, the arrest authority of courthouse
7 security 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 to regularly qualify in
13 the use of firearms with standards therefore which are equal to or exceed those required of
14 sheriff's deputies in the county in which the courthouse security personnel are employed; and

15 (2) The supervising authority of the courthouse security personnel shall issue a

16 photographic identification and certification card which identify the courthouse security personnel
17 as law-enforcement employees of the supervising entity pursuant to the provisions of §30-29-
18 12 of this code.

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

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

23 (B) Preclude from participation persons prohibited by federal or state law from possession
24 or receiving a firearm; and,

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

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

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

NOTE: The purpose of this bill is to authorize certain West Virginia courthouse security officers to carry concealed firearms; authorize arrest powers to courthouse security officers under certain circumstances; prescribe requirements for permission to carry concealed firearms; and the legislative intent.

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