

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3151

By Delegates Kelly, Jeffries, Kimble, Worrell, Honaker,

Shamblin, Garcia, Westfall, and Hott

[By request of the West Virginia State Police]

[Introduced January 30, 2023; Referred to the Committee

on Veterans' Affairs and Homeland Security then the

Judiciary]

1 A BILL to amend and reenact §15-10-4 of the Code of West Virginia, 1931, as amended, relating to
2 assisting any law enforcement officer in an emergency at the request of a responding
3 officer; and allowing officers to perform police functions out of jurisdiction on request in
4 emergency circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-4. Cooperation between law-enforcement agencies and other groups of state or local law-enforcement officers.

1 (a) The head of any law-enforcement agency, or the head of any campus police, as those
2 terms are defined in ~~section three of this article~~ §15-10-3 of this code, may temporarily provide
3 assistance and cooperation to another agency of the state criminal justice system or to a federal
4 law-enforcement agency in investigating crimes or possible criminal activity if requested to do so in
5 writing by the head of another law-enforcement agency or federal law-enforcement agency. Such
6 assistance may also be provided upon the request of ~~the head of the law-enforcement agency~~ any
7 criminal justice enforcement personnel or federal law-enforcement agency without first being
8 reduced to writing in emergency situations involving the imminent risk of loss of life or serious
9 bodily injury to any person or for the safety of the responding criminal justice enforcement
10 personnel requesting assistance. The assistance may include, but is not limited to, providing
11 police functions outside of the criminal justice enforcement personnel's jurisdictional limits,
12 entering into a multijurisdictional task force agreement to integrate federal, state, county and
13 municipal law-enforcement agencies or other groups of state or local law-enforcement officers, or
14 any combination thereof, for the purpose of enhancing interagency coordination, intelligence
15 gathering, facilitating multijurisdictional investigations, providing criminal justice enforcement
16 personnel of the law-enforcement agency to work temporarily with personnel of another agency,
17 including in an undercover capacity, and making available equipment, training, technical
18 assistance and information systems for the more efficient investigation, apprehension and

19 adjudication of persons who violate the criminal laws of this state or the United States and to assist
20 the victims of such crimes. When providing the assistance under this article, a head of a law-
21 enforcement agency, and any criminal justice enforcement personnel, shall comply with all
22 applicable statutes, ordinances, rules, policies or guidelines officially adopted by the state or the
23 governing body of the city or county by which he or she is employed and any conditions or
24 restrictions included therein.

25 (b) While temporarily assigned to work with another law-enforcement agency or agencies,
26 criminal justice enforcement personnel and other state and local law-enforcement officers shall
27 have the same jurisdiction, powers, privileges and immunities, including those relating to the
28 defense of civil actions, as such criminal justice enforcement personnel would enjoy if actually
29 employed by the agency to which they are assigned, in addition to any corresponding or varying
30 jurisdiction, powers, privileges and immunities conferred by virtue of their continued employment
31 with the assisting agency.

32 (c) While assigned to another agency or to a multijurisdictional task force, criminal justice
33 enforcement personnel and other state and local law-enforcement officers shall be subject to the
34 lawful operational commands of the superior officers of the agency or task force to which they are
35 assigned, but for personnel and administrative purposes, including compensation, they shall
36 remain under the control of the assisting agency. These assigned personnel shall continue to be
37 covered by all employee rights and benefits provided by the assisting agency, including workers'
38 compensation, to the same extent as though such personnel were functioning within the normal
39 scope of their duties.

40 (d) No request or agreement between the heads of law-enforcement agencies, or the
41 heads of campus police, made or entered into pursuant to this article shall remain in force or effect
42 until a copy of said request or agreement is filed with the office of the circuit clerk of the county or
43 counties in which the law-enforcement agencies, or the campus police, involved operate.
44 Agreements made pursuant to this article shall remain in effect unless and until the agreement is

45 changed or withdrawn in writing by the head of one of the law-enforcement agencies. Upon filing,
46 the requests or agreements may be sealed, subject to disclosure pursuant to an order of a circuit
47 court directing disclosure for good cause. Nothing in this article shall be construed to limit the
48 authority of the head of a law-enforcement agency or the head of campus police to withdraw from
49 any agreement at any time.

50 (e) Nothing contained in this article shall be construed so as to grant, increase, decrease or
51 in any manner affect the civil service protection or the applicability of civil service laws as to any
52 criminal justice enforcement personnel, or as to any state or local law-enforcement officer or
53 agency operating under the authority of this article, nor shall this article in any way reduce or
54 increase the jurisdiction or authority of any criminal justice enforcement personnel, or of any state
55 or local law-enforcement officer or agency, except as specifically provided herein.

56 (f) Nothing contained in this article shall be construed so as to authorize the permanent
57 consolidation or merger or the elimination of operations of participating federal, state, county and
58 municipal law-enforcement agencies, or other groups of state and local law-enforcement officers,
59 or campus police

NOTE: The purpose of this bill is to provide for more timely assistance and cooperation between law enforcement officers of different jurisdictions in an emergency.

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