

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 26

FISCAL
NOTE

By Senators Phillips, Maroney, Hamilton, and Oliverio

[Introduced January 11, 2023; referred

to the Committee on Government Organization; and

then to the Committee on Finance]

1 A BILL to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating to
 2 requiring the West Virginia State Police to provide medical and hospital coverage for an
 3 illness or injury received by a member while performing services in the line of duty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-10. Uniforms; authorized equipment, weapons, and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

1 (a) The standard uniform to be used by the West Virginia State Police after the effective
 2 date of this article shall be as follows: Forestry green blouse with West Virginia State Police
 3 emblem on sleeve; black shoulder strap one-inch black stripe around sleeve, four inches from end
 4 of sleeve; forestry green breeches with one-inch black stripe down the side; trousers (slacks) with
 5 one-inch black stripe down the side for officers and clerks regularly enlisted in the State Police;
 6 forestry green shirts with West Virginia State Police emblem on sleeve; black shoulder straps;
 7 forestry green mackinaw with West Virginia State Police emblem on sleeve; black shoulder straps;
 8 one-inch black stripe around sleeve four inches from end of sleeve; campaign hat of olive drab
 9 color; black Sam Browne belt with holster; black leggings and shoes; the officer's uniform will have
 10 one and one-quarter inch black stripe around the sleeve of blouse and mackinaw four inches from
 11 end of sleeve circumposed with one-half inch gold braid, also black collars on blouse, with two
 12 silver shoulder bars for captains, one silver shoulder bar for first lieutenant, one gold shoulder bar
 13 for second lieutenant. For noncommissioned officers the uniform blouse and shirt will have
 14 thereon black chevrons of the appropriate rank.

15 (b) The superintendent shall establish the weapons and enforcement equipment which are
 16 authorized for use by members of the State Police and shall provide for periodic inspection of the
 17 weapons and equipment. He or she shall provide for the discipline of members using other than
 18 authorized weapons and enforcement equipment.

19 (c) The superintendent shall provide the members of the State Police with suitable arms
20 and weapons and, when he or she considers it necessary, with suitably equipped automobiles,
21 motorcycles, watercraft, airplanes, and other means of conveyance to be used by the West
22 Virginia State Police, the Governor, and other officers and executives in the discretion of the
23 Governor, in times of flood, disaster and other emergencies, for traffic study and control, criminal
24 and safety work, and in other matters of official business. He or she shall also provide the standard
25 uniforms for all members of the State Police, for officers, noncommissioned officers, and troopers
26 provided for in this section. All uniforms and all arms, weapons, and other property furnished the
27 members of the State Police by the State of West Virginia are and remain the property of the state.

28 (d) The superintendent may purchase and maintain on behalf of members group life
29 insurance not to exceed the amount of \$5,000 on behalf of each member.

30 (e) The superintendent ~~may~~ shall contract and furnish at State Police expense medical and
31 hospital services for treatment of illness or injury of a member which shall be determined by the
32 superintendent to have been incurred by the member while engaged in the performance of duty
33 and from causes beyond control of the members. Notwithstanding any other provision of this code,
34 the superintendent has the right of subrogation in any civil action or settlement brought by or on
35 behalf of a member in relation to any act by another which results in the illness, injury, or death of a
36 member. To this end, the superintendent may initiate an action on behalf of the State Police in
37 order to recover the costs incurred in providing medical and hospital services for the treatment of a
38 member resulting from injury or illness originating in the performance of official duties. This
39 subsection ~~shall~~ may not affect the power of a court to apply ordinary equitable defenses to the
40 right of subrogation.

41 The superintendent may also consult with the West Virginia Insurance Commissioner in an
42 effort to defray the cost of medical and hospital services. In no case ~~will~~ may the compensation
43 rendered to health care providers for medical and hospital services exceed the then current rate
44 schedule in use by the West Virginia Insurance Commissioner.

45 Third-party reimbursements received by the superintendent after the expiration of the
46 fiscal year in which the injury, illness, or death occurred ~~will~~ shall be deposited to a nonexpiring
47 special revenue account. Funds deposited to this account may be used solely for defraying the
48 costs of medical or hospital services rendered to any sworn members as a direct result of an
49 illness, injury, or death resulting from the performance of official duties.

50 (f) The superintendent shall establish and maintain local headquarters at those places in
51 West Virginia that are in his or her judgment suitable and proper to render the West Virginia State
52 Police most efficient for the purpose of preserving the peace, protecting property, preventing
53 crime, apprehending criminals, and carrying into effect all other provisions of this article. The
54 superintendent shall provide, by acquisition, lease or otherwise, for local headquarters, for
55 housing and quarters for the accommodation of the members of the West Virginia State Police,
56 and for any other facilities necessary or useful for the effective operation of the West Virginia State
57 Police and shall provide all equipment and supplies necessary for the members of the West
58 Virginia State Police to perform their duties.