

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 300

BY SENATORS TRUMP, CAPUTO, PLYMALE, AND HAMILTON

[Originating in the Committee on Government

Organization; reported on February 3, 2023]

1 A BILL to amend and reenact §30-29-1 of the Code of West Virginia, 1931, as amended, relating
2 to law-enforcement training and certification; and modifying definition of "law-enforcement
3 officer".

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

1 For the purposes of this article, unless a different meaning clearly appears in the context:

2 (1) "Approved law-enforcement training academy" means any training facility which is
3 approved and authorized to conduct law-enforcement training as provided in this article;

4 (2) "Chief executive" means the Superintendent of the State Police; the chief Natural
5 Resources police officer of the Division of Natural Resources; the sheriff of any West Virginia
6 County; any administrative deputy appointed by the chief Natural Resources police officer of the
7 Division of Natural Resources; or the chief of any West Virginia municipal law-enforcement
8 agency;

9 (3) "County" means the 55 major political subdivisions of the state;

10 (4) "Exempt rank" means any noncommissioned or commissioned rank of sergeant or
11 above;

12 (5) "Governor's Committee on Crime, Delinquency, and Correction" or "Governor's
13 committee" means the Governor's Committee on Crime, Delinquency, and Correction established
14 as a state planning agency pursuant to §15-9-1 of this code;

15 (6) "Law-enforcement officer" means any duly authorized member of a law-enforcement
16 agency who is authorized to maintain public peace and order, prevent and detect crime, make
17 arrests, and enforce the laws of the state or any county or municipality thereof, other than parking
18 ordinances, and includes those persons employed as campus police officers at state institutions
19 of higher education in accordance with the provisions of §18B-4-5 of this code, persons employed
20 as hospital police officers in accordance with the provisions of §16-5B-19 of this code, and

21 persons employed by the Public Service Commission as motor carrier inspectors and weight-
22 enforcement officers charged with enforcing commercial motor vehicle safety and weight
23 restriction laws, although those institutions and agencies may not be considered law-enforcement
24 agencies. The term also includes those persons employed as county litter control officers charged
25 with enforcing litter laws: ~~Provided, That those persons~~ who have been trained and certified as
26 law-enforcement officers and ~~that~~ whose certification is currently active. The term also includes
27 those persons employed as rangers by resort area districts in accordance with the provisions of
28 §7-25-23 of this code, although no resort area district may be considered a law-enforcement
29 agency: *Provided*, That the subject rangers shall pay the tuition and costs of training. As used in
30 this article, the term "law-enforcement officer" does not apply to the chief executive of any West
31 Virginia law-enforcement agency, ~~nor~~ or to any watchman or special natural resources police
32 officer, or to any litter control officer who is authorized and trained under the provisions of §7-1-
33 3ff(d) of this code but is not trained and currently certified as a law-enforcement officer;

34 (7) "Law-enforcement official" means the duly appointed chief administrator of a
35 designated law-enforcement agency or a duly authorized designee;

36 (8) "Municipality" means any incorporated town or city whose boundaries lie within the
37 geographic boundaries of the state;

38 (9) "Pre-certified law-enforcement officer" means a person employed or offered
39 employment by a West Virginia law-enforcement agency prior to his or her initial certification by
40 the subcommittee. This term does not include a person employed or offered employment by a
41 West Virginia law-enforcement agency whose certification status is inactive, suspended, or has
42 been revoked;

43 (10) "Subcommittee" or "law-enforcement professional standards subcommittee" means
44 the subcommittee of the Governor's Committee on Crime, Delinquency, and Correction created
45 by §30-29-2 of this code; and

46 (11) "West Virginia law-enforcement agency" means any duly authorized state, county, or
47 municipal organization employing one or more persons whose responsibility is the enforcement
48 of laws of the state or any county or municipality thereof: *Provided*, That neither the Public Service
49 Commission, nor any state institution of higher education, nor any hospital, nor any resort area
50 district is a law-enforcement agency.