WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 83

By Senator Takubo

[Introduced January 11, 2023; referred   
to the Committee on Health and Human Resources]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §30-43-1, §30-43-2, and §30-43-3, all relating to tactical medical professionals; defining terms; authorizing to carry firearms; training and certification requirements; and protecting from civil or criminal liability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 43. TACTICAL MEDICAL PROFESSIONALS.

§30-43-1. Definitions.

"Tactical medical professional" means a person who is an emergency medical service personnel, as defined in §16-4C-1 of this code, or a nurse as defined in §30-7-1 of this code, or a physician as defined in §30-3-4 of this code, who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" (TCCC) and "tactical emergency medical support" (TEMS) and who functions in the tactical or austere environment while attached to a law-enforcement agency of either this state or a political subdivision of this state.

§30-43-2. Tactical medical professional may carry firearm.

(a) A tactical medical professional may carry firearms while on duty in the same manner, to the same extent, and in the same areas as a law-enforcement officer of the law-enforcement agency the professional is serving, if:

(1) The law-enforcement agency that the tactical medical professional is serving has specifically authorized the professional to carry firearms while on duty;

(2) The professional has been awarded a certificate by the Law-Enforcement Professional Standards Subcommittee of the Governor’s Committee on Crime, Delinquency and Correction as provided for in §30-29-2 of this code, which certificate attests to satisfactory completion of law-enforcement training program that qualifies the professional to carry firearms while on duty; and

(3) Prior to or during employment as a tactical medical professional and prior to the effective date of this section, the professional has successfully completed a firearms training program as required by §61-7-4 of this code.

§30-43-3. Tactical medical professional protection from civil or criminal liability.

A tactical medical professional to whom this article applies and who is carrying one or more firearms under authority of this article has protection from potential civil or criminal liability for any conduct occurring while carrying the firearm or firearms to the same extent as a law-enforcement officer of the law-enforcement agency the professional is serving has such protection.

NOTE: The purpose of this bill is to define "Tactical medical professional" and authorize that professional to carry a firearm with specific training requirements.

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