

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 512

BY SENATORS TRUMP, TAKUBO, ROMANO, BOSO,

PLYMALE, AND CLINE

[Introduced February 9, 2018; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto 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 effecting courthouse security shall have the
3 authority to arrest any person committing a violation of the criminal laws of the State of West
4 Virginia, the United States or a violation of Rule 42 of the West Virginia Rules of Criminal
5 Procedure occurring within a courthouse and in the presence of the courthouse security officer.

6 (b) For 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 shall require courthouse
13 personnel to regularly qualify in the use of firearms with standards therefore which are equal to
14 or exceed those required of sheriff's deputies in the county in which the courthouse security
15 personnel are employed;

16 (2) The supervising authority of the courthouse security personnel shall issue a
17 photographic identification and certification card which identify the courthouse security personnel
18 as law-enforcement employees of the supervising entity pursuant to the provisions of §30-29-12
19 of this code.

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

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

24 (B) Preclude from participation persons prohibited by federal or state law from possessing
25 or receiving a firearm; and

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

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

31 (d) It is the intent of the Legislature in enacting this section during the 2018 regular session
32 of the Legislature to authorize active courthouse security personnel meeting all the requirements
33 of this section must also meet the requirements of the federal Law-Enforcement Officers Safety
34 Act.

NOTE: The purpose of this bill is to authorize certain West Virginia courthouse security officers to carry concealed firearms. The bill sets forth requirements. The bill grants courthouse security officers arrest powers under certain circumstances. The bill states Legislative intent that the new code section be consistent with the federal Law-Enforcement Officers Safety Act.

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