

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **Senate Bill 441**

BY SENATORS PREZIOSO, BEACH, BLAIR, CLEMENTS,  
IHLENFELD, MARONEY, SMITH, STOLLINGS, SYPOLT,  
TAKUBO, JEFFRIES, TRUMP, AND WELD

[Introduced January 28, 2019; Referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to campus police officers of state institutions of higher learning; and allowing governing  
 3 boards of state institutions of higher learning to appoint all qualified individuals to serve as  
 4 campus police officers.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4. GENERAL ADMINISTRATION.**

**§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation and removal; law enforcement grants.**

1 (a) The governing boards may appoint ~~bona fide residents of this state~~ qualified individuals  
 2 to serve as campus police officers upon any premises owned or leased by the State of West  
 3 Virginia and under the jurisdiction of the governing boards, subject to the conditions and  
 4 restrictions established in this section.

5 (1) A person who previously was qualified for employment as a law-enforcement officer  
 6 for a state agency or political subdivision of the state is considered certified for appointment as a  
 7 campus police officer at the state institutions of higher education under the jurisdiction of the  
 8 governing boards of Marshall University and West Virginia University.

9 (2) Before performing duties as a campus police officer in any county, a person shall  
 10 qualify as is required of county police officers by:

11 (A) Taking and filing an oath of office as required by article one, chapter six of this code;  
 12 and

13 (B) Posting an official bond as required by article two, chapter six of this code.

14 (b) A campus police officer may carry a gun and any other dangerous weapon while on  
 15 duty if the officer fulfills the certification requirement for law-enforcement officers under §30-29-5  
 16 of this code or meets the requirements of subsection (a) of this section.

17 (c) It is the duty of a campus police officer to preserve law and order:

18 (1) On the premises under the jurisdiction of the governing board; and

19 (2) On any street, road or thoroughfare, except controlled access and open country  
20 highways, immediately adjacent to or passing through premises, to which the officer is assigned  
21 by the president of the institution.

22 (A) For the purpose of this subdivision, the campus police officer is a law-enforcement  
23 officer pursuant to the provisions of §30-29-1 *et seq.* of this code.

24 (B) The officer has and may exercise all the powers and authority of a law-enforcement  
25 officer as to offenses committed within the area assigned;

26 (C) The officer is subject to all the requirements and responsibilities of a law-enforcement  
27 officer;

28 (D) Authority assigned pursuant to this subdivision does not supersede in any way the  
29 authority or duty of other law-enforcement officers to preserve law and order on such premises.

30 (E) Campus police officers may assist a local law-enforcement agency on public highways.  
31 The assistance may be provided to control traffic in and around premises owned by the state  
32 when:

33 (i) Traffic is generated as a result of athletic or other activities conducted or sponsored by  
34 the institution; and

35 (ii) The assistance has been requested by the local law-enforcement agency; and

36 (F) Campus police officers may assist a local law-enforcement agency in any location  
37 under the agency's jurisdiction at the request of the agency.

38 (d) The salary of a campus police officer is paid by the employing governing board. A state  
39 institution may furnish each campus police officer with a firearm and an official uniform to be worn  
40 while on duty. The institution shall furnish and require each officer while on duty to wear a shield  
41 with an appropriate inscription and to carry credentials certifying the person's identity and authority  
42 as a campus police officer.

43 (e) A governing board may at its pleasure revoke the authority of any campus police officer  
44 and such officers serve at the will and pleasure of the governing board. The president of the state

45 institution shall report the termination of employment of a campus police officer by filing a notice  
46 to that effect in the office of the clerk of each county in which the campus police officer's oath of  
47 office was filed.

48 (f) Notwithstanding any other provisions of this code to the contrary, and for purposes of  
49 enhancing the ability of campus police officers to perform their duties, a governing board may  
50 apply for and receive any public or private grant or other financial award that is available to other  
51 law-enforcement agencies in the state.

NOTE: The purpose of this bill is to authorize institutions of higher learning to appoint all qualified individuals to serve as campus police officers.

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