

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 593**

BY SENATORS HAMILTON, BALDWIN, BEACH, BOLEY,  
CLEMENTS, CLINE, FACEMIRE, HARDESTY, IHLENFELD,  
JEFFRIES, MANN, PALUMBO, PITSENBARGER, PREZIOSO,  
ROBERTS, ROMANO, SMITH, STOLLINGS, SWOPE, SYPOLT,  
TAKUBO, TARR, UNGER, WELD, WOELFEL, AND LINDSAY

[Introduced January 22, 2020; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended; and to  
 2 amend and reenact §20-7-4 of said code, all relating to required equipment for State Police  
 3 and Natural Resources police officers; and providing for specific vests for more through  
 4 protection of the State Police and Natural Resources police officers.

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

**CHAPTER 15. PUBLIC SAFETY.**

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

15 (b) The superintendent shall establish the weapons and enforcement equipment which

16 are authorized for use by members of the State Police and shall provide for periodic inspection of  
17 the weapons and equipment. He or she shall provide for the discipline of members using other  
18 than authorized weapons and enforcement equipment: Provided, That standard issue equipment  
19 shall include one modular operator plate carrier and two triple curve ceramic plates.

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

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

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

42 defenses to the right of subrogation.

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

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

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

## **CHAPTER 20. NATURAL RESOURCES.**

### **ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.**

#### **§20-7-4. Powers and duties of natural resources police officers.**

1           (a) Natural resources police officers and other persons authorized to enforce the  
2 provisions of this chapter are under the supervision and direction of the director in the  
3 performance of their duties.

4           (b) Natural resources police officers have statewide jurisdiction and have authority to:

5 (1) Arrest on sight, without warrant or other court process, any person or persons  
6 committing a criminal offense in violation of the laws of this state, in the presence of the officer,  
7 but no arrest may be made where any form of administrative procedure is prescribed by this  
8 chapter for the enforcement of the provisions of this chapter;

9 (2) Carry arms and weapons as may be prescribed by the director in the course and  
10 performance of their duties, but no license or other authorization is required for this privilege:  
11 Provided, That standard issue equipment shall include one modular operator plate carrier and  
12 two triple curve ceramic plates;

13 (3) Search and examine, in the manner provided by law, any boat, vehicle, automobile,  
14 conveyance, express or railroad car, fish box, fish bucket or creel, game bag or game coat or  
15 other place in which hunting and fishing paraphernalia, wild animals, wild birds, fish, amphibians  
16 or other forms of aquatic life could be concealed, packed or conveyed whenever they have reason  
17 to believe that they would thereby secure or discover evidence of the violation of the provisions  
18 of this chapter;

19 (4) Execute and serve a search warrant, notice or other process of law issued under the  
20 authority of this chapter or other law relating to wildlife, forests, and all other natural resources,  
21 by a magistrate or court having jurisdiction in the same manner, with the same authority and with  
22 the same legal effect as a sheriff;

23 (5) Require the operator of any motor vehicle or other conveyance on or about the public  
24 highways or roadways, or in or near the fields and streams of this state, to stop for the purpose  
25 of allowing the natural resources police officers to conduct game-kill surveys;

26 (6) Summon aid in making arrests or seizures or in executing warrants, notices or  
27 processes, in the same manner as sheriffs;

28 (7) Enter private lands or waters within the state while engaged in the performance of their  
29 official duties;

30 (8) Arrest on sight, without warrant or other court process, subject to the limitations set

31 forth in subdivision (1) of this section, any person or persons committing a criminal offense in  
32 violation of any law of this state in the presence of the officer on any state-owned lands and waters  
33 and lands and waters under lease by the Division of Natural Resources and all national forest  
34 lands, waters and parks and U.S. Corps of Army Engineers' properties within the boundaries of  
35 the State of West Virginia and, in addition to the authority conferred in other subdivisions of this  
36 section, execute all arrest warrants on these state and national lands, waters and parks and U.S.  
37 Corps of Army Engineers' properties, consistent with ~~the provisions of~~ §62-1-1 *et seq.* of this code;

38 (9) Arrest any person who enters upon the land or premises of another without written  
39 permission from the owner of the land or premises in order to cut, damage or carry away, or cause  
40 to be cut, damaged or carried away, any timber, trees, logs, posts, fruit, nuts, growing plants or  
41 products of any growing plant. Any person convicted of cutting, damaging or carrying away or  
42 causing to be cut, damaged or carried away any timber, trees, logs, posts, fruits, nuts, growing  
43 plants or products of growing plants is liable to the owner in the amount of three times the value  
44 of the timber, trees, logs, posts, fruit, nuts, growing plants or products of any growing plant, in  
45 addition to and notwithstanding any other penalties by law provided by §61-3-13 of this code;

46 (10) Make a complaint in writing before any court or officer having jurisdiction, and procure  
47 and execute the warrant, when the officer knows or has reason to believe that a person has  
48 violated a law of this state. The actions of the natural resources police officer have the same force  
49 and effect as if made by a sheriff;

50 (11) Serve and execute warrants for the arrest of any person and warrants for the search  
51 of any premises, buildings, properties or conveyances issued by a properly constituted authority  
52 in the same manner, with the same authority, and with the same legal effect, as a sheriff; and

53 (12) Do all things necessary to carry into effect the provisions of this chapter.

NOTE: The purpose of this bill is to require certain law-enforcement officers be provided modular operator plate carrier and triple curve ceramic plates as part of their standard issue equipment.

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