

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3349

By Delegates Rowe and E. Pritt

[Introduced February 08, 2023; Referred to the
Committee on Political Subdivisions then Finance]

1 A BILL to amend and reenact §30-29-14 of the Code of West Virginia, 1931, as amended, relating
2 to assisting governmental units with training costs for certification of law enforcement
3 officers; providing that uncertified law enforcement offices may perform limited duties for
4 certain municipalities, with conditions thereto; and providing that Workforce West Virginia
5 may fund or reimburse governmental units expenses and costs associated with training
6 these officers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

**§30-29-14. Minimum standards for hiring of pre-certified law-enforcement officers;
disqualification for entry into basic law-enforcement academy or from certification;
direct supervision of uncertified officers; maintenance and transfer of records;
applicability; limitation on disclosure of records.**

1 (a) Notwithstanding other provisions of law to the contrary, a West Virginia law-
2 enforcement agency may not employ or offer to employ a pre-certified law-enforcement officer
3 until it makes written findings documenting that the person meets the minimum standards
4 contained in this subsection, or adopts a previous employing West Virginia law-enforcement
5 agency's written findings, which shall be made available upon request to the subcommittee:
6 *Provided*, That the hiring West Virginia law-enforcement agency may set higher minimum
7 standards, or the subcommittee may promulgate legislative rules which establish higher minimum
8 standards or interpret the minimum standards contained this section, as the agency or the
9 subcommittee considers necessary for the employment of law-enforcement officers: *Provided*,
10 however, That nothing in this section shall be construed to limit, abrogate, or modify any existing
11 rule promulgated by the subcommittee. The minimum standards apply only to the hiring of a pre-
12 certified law-enforcement officer and consist of the following:

- 13 (1) The person is 18 years of age or older;
14 (2) The person is a high school graduate or equivalent;

15 (3) The person has submitted to a psychological assessment and has been recommended
16 for hire as a result;

17 (4) The person has submitted to and passed a polygraph examination;

18 (5) The person has not been dishonorably discharged from any branch of the armed forces
19 of the United States or the National Guard;

20 (6) The person has not been convicted in any civilian or military court of a crime punishable
21 by imprisonment for a term exceeding one year, a crime involving moral turpitude, or a crime of
22 domestic violence, or who has been administratively pardoned for any such crime;

23 (7) The person has not admitted to committing any criminal acts as set forth in subdivision
24 (6) of this subsection which did not result in a conviction;

25 (8) The person is not prohibited by state or federal law from shipping, transporting,
26 receiving, or possessing firearms or ammunition;

27 (9) The person is not addicted to narcotics or other controlled substances; and

28 (10) The person has consented to a thorough investigation by the hiring West Virginia law-
29 enforcement agency into the person's background and moral character, including, but not limited
30 to, a nationwide criminal background check consisting of inquiries of the National Instant Criminal
31 Background Check System, the West Virginia criminal history record responses and the National
32 Interstate Identification index, the report of which shall be made a part of the written findings
33 required by this section.

34 (b) Upon review of the written findings of the hiring West Virginia law-enforcement agency
35 and the background investigation, the subcommittee may deny the certification of a law-
36 enforcement officer or, if applicable, deny admission to a basic entry-level training program to a
37 person failing to meet the minimum standards set forth in this section in the discretion of the
38 subcommittee.

39 (c) A pre-certified law-enforcement officer who is employed by a West Virginia law-
40 enforcement agency must be directly supervised by a certified law-enforcement officer at all times

41 when the pre-certified law-enforcement officer is engaged in law-enforcement duties. For
42 purposes of this section, "directly supervised" means that the certified law-enforcement officer is
43 physically present with, maintains a close visual and verbal contact with, and provides adequate
44 direction to, the pre-certified law-enforcement officer while he or she is engaged in law-
45 enforcement duties: Provided, That for Class III and Class IV municipalities, a pre-certified law
46 enforcement officer may, any time after 60 days of approved direct supervision, perform limited
47 defined duties without direct supervision after a certified law-enforcement officer employed by the
48 municipality has presented a signed detailed writing addressed to the mayor stating that the pre-
49 certified law enforcement officer has demonstrated sufficient specific competency to perform listed
50 and defined duties without direct supervision. During the period of service without direct
51 supervision, the municipality has the duty to evaluate and direct the performance of the pre-
52 certified law enforcement officer, who shall report in a signed writing delivered to the mayor each
53 day of work, listing and defining each activity, the law enforcement officer performed that day for
54 the municipality, and the municipality shall determine at any time if he or she will continue in
55 employment with the municipality.

56 (d) The initial hiring West Virginia law-enforcement agency shall maintain the written
57 findings and background investigation required herein, for the duration of the person's term of
58 employment, at a minimum. Each time the person transfers to a different West Virginia law-
59 enforcement agency, copies of the written findings and background investigation shall be
60 transmitted by the West Virginia law-enforcement agency which is the person's most recent
61 employer to the West Virginia law-enforcement agency which is the person's new employer:
62 *Provided, That the provisions of this subsection do not apply to the West Virginia State Police.*

63 (e) The provisions of this section apply to any person hired by a West Virginia law-
64 enforcement agency as a pre-certified law-enforcement officer after the effective date of this
65 section.

66 (f) Written findings and information obtained in the course of any investigation authorized

67 by this section are not public records and are not subject to disclosure under §29B-1-1 *et seq.* of
68 this code.

69 (g) Law enforcement certification training performed in or for a municipality or at the State
70 Police Academy is deemed workforce vocational training eligible for Workforce West Virginia
71 funding and for reimbursements for local governmental units or the State Police which incur
72 expenses and pay salaries of persons during their law enforcement certification training.

NOTE: The purpose of this bill is to assist small municipalities with law enforcement officer training and reimbursement of expenses for police training.

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