

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 711**

By Senator Rucker

[Introduced February 7, 2024; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to  
 2 adding to the list of federal agencies and agents who, under limited circumstances, may  
 3 enforce state laws.

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

**ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.**

**§15-10-5. Federal officers' peace-keeping authority.**

1 (a) Notwithstanding any provision of this code to the contrary, any person who is employed  
 2 by the United States government as a federal law-enforcement officer and is listed in subsection  
 3 (b) of this section, has the same authority to enforce the laws of this state, except state or local  
 4 traffic laws or parking ordinances, as that authority granted to state or local law-enforcement  
 5 officers, if one or more of the following circumstances exist:

6 (1) The federal law-enforcement officer is requested to provide temporary assistance by  
 7 the head of a state or local law-enforcement agency or the designee of the head of the agency and  
 8 that request is within the state or local law-enforcement agency's scope of authority and  
 9 jurisdiction and is in writing: *Provided*, That the request does not need to be in writing if an  
 10 emergency situation exists involving the imminent risk of loss of life or serious bodily injury;

11 (2) The federal law-enforcement officer is requested by a state or local law-enforcement  
 12 officer to provide the officer temporary assistance when the state or local law-enforcement officer  
 13 is acting within the scope of the officer's authority and jurisdiction and where exigent  
 14 circumstances exist; or

15 (3) A felony is committed in the federal law-enforcement officer's presence or under  
 16 circumstances indicating a felony has just occurred.

17 (b) This section applies to the following persons who are employed as full-time federal law-  
 18 enforcement officers by the United States government and who are authorized to carry firearms  
 19 while performing their duties:

20 (1) Federal Bureau of Investigation ~~special agents~~ Special Agents;

- 21 (2) Drug Enforcement Administration ~~special agents~~ Special Agents;
- 22 (3) United States Marshal's Service ~~marshals and deputy marshals~~ Marshals and Deputy
- 23 Marshals;
- 24 (4) United States ~~postal service inspectors~~ Postal Service Inspectors;
- 25 (5) Immigration and Customs Special Agents;
- 26 ~~(5) (6) Internal revenue service special agents~~ Revenue Service Special Agents;
- 27 ~~(6) (7) United States secret service special agents~~ Secret Service Special Agents;
- 28 ~~(7) (8) Bureau of alcohol, tobacco, and firearms special agents~~ Alcohol, Tobacco, and
- 29 Firearms Special Agents;
- 30 ~~(8) (9) Police officers employed at the Federal Bureau of Investigation's criminal justice~~
- 31 ~~information services~~ Criminal Justice Information Services division facility located within this
- 32 state;
- 33 ~~(9) (10) Law enforcement commissioned rangers of the national park service~~ National Park
- 34 Service and the National Park Service Police;
- 35 ~~(10) (11) Department of Veterans Affairs Police and Department of Veterans Affairs special~~
- 36 ~~investigators~~ Special Investigators;
- 37 ~~(11) (12) Office of Inspector General special agents~~ Special Agents; and
- 38 ~~(12) (13) Federal Air Marshals with the Federal Air Marshal Service~~;
- 39 (14) Federal Protection Service Officers;
- 40 (15) National Security Agency Police; and
- 41 (16) Department of Homeland Security Investigators and Special Agents.
- 42 (c) Any person acting under the authority granted pursuant to this section:
- 43 (1) Has the same authority and is subject to the same exemptions and exceptions to this
- 44 code as a state or local law-enforcement officer;
- 45 (2) Is not an officer, employee, or agent of any state or local law-enforcement agency;
- 46 (3) May not initiate or conduct an independent investigation into an alleged violation of any

47 provision of this code except to the extent necessary to preserve evidence or testimony at risk of  
48 loss immediately following an occurrence described in subdivision (3), subsection (a) of this  
49 section;

50 (4) Is subject to 28 U.S.C. § 1346, the Federal Tort Claims Act; and

51 (5) Has the same immunities from liability as a state or local law-enforcement officer.

NOTE: The purpose of this bill is to add to the list of federal agencies and agents who under limited circumstances may enforce state laws.

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