

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2881

By Delegates Burkhammer, Pinson, Kimble,
Mazzocchi, and Funkhouser

[Introduced February 24, 2025; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §15-2-15 of the Code of West Virginia, 1931, as amended, relating to
2 the Child Abuse and Neglect Investigations Unit; expanding the number of members in the
3 unit; expanding the number of regional members to assist CPS; providing retired
4 members of the State Police the ability to be part of the unit; and establishing requirements
5 to be followed when reemploying a retired State Police officer.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-15. State Police Child Abuse and Neglect Investigations Unit.

1 (a) The superintendent shall maintain a special unit of the State Police called the Child
2 Abuse and Neglect Investigations Unit. The purpose of the unit is to focus on identifying,
3 investigating, and prosecuting criminal child abuse and neglect cases, in coordination with Child
4 Protective Services, established pursuant to §49-2-802 of this code. The unit shall assist other
5 State Police members with child abuse or neglect investigations as well as the Division of Child
6 Protective Services. The unit may provide training, technical expertise, and coordination of
7 services for other law-enforcement agencies, Child Protective Services caseworkers, prosecuting
8 attorneys, and multidisciplinary teams established pursuant to the provisions of §49-4-402 of this
9 code, to identify, investigate, report, and prosecute criminal child abuse and criminal child neglect
10 cases. However, nothing in this section may be construed to mean that the unit will assume the
11 duties or investigations of other State Police members or other law-enforcement officers.

12 (b) The unit shall consist, at a minimum, six of 19 members or former members of the State
13 Police. The superintendent shall assign a unit director and five 18 regional members, to be
14 dedicated and trained to assist county Child Protective Services Offices and caseworkers in
15 investigating and coordinating with other law-enforcement personnel, cases of suspected child
16 abuse or neglect. Cases to be investigated include allegations received pursuant to §49-2-803 of
17 this code, and any other credible child abuse or neglect allegations.

18 (c) The unit director's duties include:

(1) Overseeing State Police members assigned to the unit;

(2) Coordinating activities of the unit with Child Protection Services;

(3) Assisting Child Protective Services in developing and refining protocols for improving identification and prosecution of suspected criminal acts of child abuse or neglect; and

(4) Assuring that all other directives and responsibilities of the unit are fulfilled.

(d) The unit shall maintain a statewide statistical index on child abuse and neglect convictions resulting from convictions for violations of §61-8D-2, §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4 and §61-8D-4a of this code, to monitor the timely and proper investigation and disposition of child abuse or neglect cases. The statistical data index maintained by the unit shall not contain information of a specific nature that would identify individual cases or persons.

(e) On or before December 31, of each year, the unit director shall submit an annual report to the Joint Committee on Government and Finance. The annual report is to include the statistical index required under the provisions of subsection (d) of this section, and may include recommendations for statutory or program reforms that will assist the unit and further promote the goals of the unit. The report may not contain information of a specific nature that would identify individual cases or persons.

(f) Every state law-enforcement agency of this state shall periodically provide statistical information regarding child abuse and neglect cases investigated and prosecuted by that law-enforcement agency to the unit.

(g) The superintendent may propose rules for legislative approval or procedural rules as necessary to effectuate the provisions of this section in accordance with the provisions of §29A-3-1 *et seq.* of this code. The superintendent shall provide forms to law-enforcement agencies, circuit clerks, and parole officers to facilitate submission of appropriate information necessary to prepare the statistical reports required by this section.

(h) There is continued a special account in the state Treasury, into which shall be deposited any gifts, grants or donations made to the unit, and any other funds directed to be deposited into

the account by appropriation of the Legislature, and to be expended for the purposes of this section pursuant to appropriation of the Legislature.

(i) Notwithstanding any provision of this code to the contrary, any honorably retired member of the State Police may, at the discretion of the superintendent, may be considered for a position with the Child Abuse and Neglect Investigations Unit and:

(1) No pension rights of any kind shall accrue or attach pursuant to reemployment under this section;

(2) The State Police shall bear no responsibility for medical payments for work related injuries or illnesses of employees hired pursuant to this section, other than those commonly associated with state employees covered by workers' compensation;

(3) Notwithstanding any provision of this code to the contrary, any honorably retired member of the State Police who qualifies for reemployment pursuant to the provisions of this section and who is not currently certified as a law-enforcement officer under §30-29-5 of this code may be deemed to have met the entry level law-enforcement recertification requirements of 149 CSR 215, Section 15.3, upon successful completion of a course of instruction prescribed by the superintendent. Such course of instruction shall include at a minimum the following subject areas: Firearms training and certification, defensive driving, mechanics of arrest, law of arrest search and seizure, West Virginia motor vehicle law, criminal law update, and domestic crimes;

(4) Any member reemployed pursuant to the provisions of this section shall hold the nonsupervisory rank of corporal and shall receive the same compensation as a regularly enlisted member of the same rank. For purposes of determining length of service pursuant to §15-2-5 of this code, any member reemployed pursuant to this section shall not receive credit for all years of service rendered after reemployment. Any member reemployed pursuant to this section shall exercise the same authority as a regularly enlisted member of the State Police, shall wear the same uniform and insignia, shall be subject to the same oath, shall execute the same bond, shall

exercise the same powers and shall be subject to the same limitations as a regularly enlisted member of the State Police;

(5) Any member reemployed pursuant to the provisions of this section shall not be eligible for promotion or reclassification of any type, nor shall he or she be eligible for appointment to temporary rank pursuant to the provisions of section four of this article;

(6) Any retired member applying for reemployment under this section shall be required to pass such mental and physical examinations, and meet such other requirements as may be provided for in rules promulgated by the superintendent pursuant to this section;

(7) Notwithstanding the provisions of section ten of this article, the superintendent shall make provisions for coverage of personnel employed pursuant to this section by the workers' compensation division, Bureau of Employment Programs. In the event a member reemployed pursuant to this section sustains an illness or injury which is work related in origin, any cost associated with the treatment of same shall be defrayed in this manner and not from state police funds;

(8) In the event a work related illness or injury, as described within subdivision (7) above, renders a member of the division employed pursuant to the provisions of this section permanently physically or mentally disabled, the provisions of §15-2-29(a) and (b) of this code, and the member's existing pension shall be recalculated as though the disabling event had occurred coincident with the member's original retirement. Any change in benefits resulting from this recalculation shall not be retroactive in nature. The provisions of §15-2-29(c) of this code shall not apply with respect to payments for medical, surgical, laboratory, X-ray, hospital, ambulance and dental expenses and fees. Neither shall the provisions of this subsection apply in the event the member is disabled due to some cause or event which is determined not to be work related;

(9) Any individual reemployed pursuant to this section is not eligible to contribute to any pension plan administered by the Consolidated Public Retirement Board, nor may he or she establish or accrue any new pension eligibility pursuant to such reemployment;

96 (10) Notwithstanding any provision of this code to the contrary, any member reemployed
97 pursuant to this section shall serve at the will and pleasure of the superintendent, and is subject to
98 termination without cause. Any member reemployed pursuant to this section shall not be included
99 in the classified service of the civil service system; and

100 (11) Notwithstanding any provision of this code to the contrary, compensation paid to any
101 member reemployed pursuant to this section shall be in addition to any retirement payments or
102 pension benefits which he or she is already entitled to receive under §15-2-27 of this code.

NOTE: The purpose of this bill is to expand the number of members in the Child Abuse and Neglect Investigations Unit and provide retired members of the State Police the ability to be part of the unit while establishing requirements to be followed when reemploying a retired State Police officer.

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