

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 225

BY SENATOR WOODRUM

[Passed April 12, 2025; in effect from passage]

1 AN ACT to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating
2 to incorporating in subsection (b) the following additional full time federal law-enforcement
3 officers of the United States government who are authorized to carry firearms while
4 performing their duties in furtherance of the allowances contained in subsection (a) of this
5 section of the code- United States Fish and Wildlife special agents and law enforcement,
6 Diplomatic Security Service special agents, Coast Guard special agents, Customs and
7 Border Protection law-enforcement agents and officers, Department of Defense special
8 agents, Federal Protective Service officers, Federal Bureau of Prisons officers, and
9 Immigration and Customs Enforcement special agents and law enforcement; also relating
10 to expanding the powers of law-enforcement officers of the National Park Service and the
11 United States Forest Service to include the authority to arrest, conduct searches, conduct
12 seizures and enforce all laws of this state and also establishes that these officers will have
13 the authority to undertake an independent investigation pursuant to that authority but only
14 for activities occurring on lands managed and overseen by the National Park Service or
15 the United States Forest Service.

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
8 and that request is within the state or local law-enforcement agency's scope of authority and

jurisdiction and is in writing: *Provided*, That the request does not need to be in writing if an emergency situation exists involving the imminent risk of loss of life or serious bodily injury;

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

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

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

(1) Federal Bureau of Investigation special agents;

(2) Drug Enforcement Administration special agents;

(3) United States Marshals Service marshals and deputy marshals;

(4) United States Postal Service inspectors;

(5) Internal Revenue Service special agents;

(6) United States Secret Service special agents;

(7) Bureau of Alcohol, Tobacco, and Firearms special agents;

(8) Police officers employed at the Federal Bureau of Investigation's criminal justice information services division facility located within this state;

(9) Department of Veterans Affairs Police and Department of Veterans Affairs special investigators;

(10) Office of Inspector General special agents;

(11) Federal Air Marshals with the Federal Air Marshal Service;

(12) United States Fish and Wildlife Service special agents and law enforcement;

(13) Diplomatic Security Service special agents;

(14) Coast Guard special agents;

(15) Customs and Border Protection law-enforcement agents and officers;

(16) Department of Defense special agents;

(17) Federal Protective Service officers;

(18) Federal Bureau of Prisons officers; and

(19) Immigration and Customs Enforcement special agents and law enforcement.

(c) Notwithstanding any provision of this code to the contrary, law-enforcement commissioned rangers of the National Park Service have the powers of arrest, search, and seizure as to any offense under the laws of this state committed within the boundaries of a national park, national recreation area, or on other real property included in the National Park System.

(d) Notwithstanding any provision of this code to the contrary, law-enforcement officers and special agents commissioned by the United States Forest Service have the powers of arrest, search, and seizure as to any offense under the laws of this state committed within the boundaries of national forests or on other real property managed or overseen by the United States Forestry Service and while acting in the scope of their official duties on such federally managed lands.

(e) Any person acting under the authority granted pursuant to this section:

(1) Has the same authority and is subject to the same exemptions and exceptions to this code as a state or local law-enforcement officer;

(2) Is not an officer, employee, or agent of any state or local law-enforcement agency;

(3) May not initiate or conduct an independent investigation into an alleged violation of any provision of this code except to the extent necessary to preserve evidence or testimony at risk of loss immediately following an occurrence described in subdivision (3), subsection (a) of this section: *Provided*, That law-enforcement commissioned rangers of the National Park Service and law-enforcement officers and special agents commissioned by the United States Forest Service may undertake an independent investigation pursuant to the authority described in subsections (c) and (d) of this section: *Provided, however*, That nothing in this section shall be construed to

61 permit law-enforcement officers of the National Park Service, or the United States Forest Service,
62 to initiate or conduct investigations unrelated to activities occurring on federal lands managed or
63 overseen by the National Park Service or the United States Forest Service;
64 (4) Is subject to 28 U.S.C. § 1346, the Federal Tort Claims Act; and
65 (5) Has the same immunities from liability as a state or local law-enforcement officer.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect from passage.

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2025.

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Governor