

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4402

**FISCAL
NOTE**

By Delegates Heckert, Foggin, and Hillenbrand

[Introduced January 16, 2026; referred to the

Committee on Education then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §7-14F-1, §7-14F-2, §7-14F-3, §7-14F-4, §7-14F-5, §7-14F-6, §7-14F-7, §7-
3 14F-8, and §7-14F-9, relating to school protection officers; creating authority to hire
4 officers; clarifying the requirements to become an officer; establishing police powers and
5 duties; creating criminal penalties; clarifying jurisdiction; authorizing grants; providing
6 removal procedure; including a severability clause; and providing limitations on liability.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14F. SCHOOL PROTECTION OFFICERS.

§7-14F-1. School protection officers; appointment of school protection officers; authority; compensation and removal; law-enforcement grants.

1 (a)(1) A sheriff, with the consent of the county commission duly entered of record, may
2 appoint qualified individuals to serve as school protection officers upon any premises owned or
3 leased by the county board of education and under the jurisdiction of the county board of
4 education, subject to the conditions and restrictions established in this article.

5 (2) Each sheriff may appoint as school protection officer bona fide citizens of the county
6 who are of good moral character and who have not been convicted of a felony or other crime
7 involving moral turpitude. Any person appointed shall serve at the will and pleasure of the sheriff
8 and is not subject to the provisions of §7-14-1 *et seq.* of this code.

9 (b) School protection officers pursuant to this section are not classified as regular law
10 enforcement deputy sheriffs and therefore exempt from the required provisions for employment
11 under §7-14-1 *et seq.* of this code related to deputy sheriff civil service, §7-14C-1 *et seq.* of this
12 code related to deputy sheriff; procedure for investigation, and §7-14D-1 *et seq.* of this code
13 related to deputy sheriff retirement system.

14 (c) Each school protection officer so appointed shall take the same oath of office required
15 of his principal, and may, during his continuance in office, perform and discharge any of the official
16 duties of his principal, and any default or misfeasance in office of school protection officer shall

17 constitute a breach of the conditions of the official bond of his principal.

18 (d) Before performing duties as a school prevention officer in any county, a person shall
19 qualify as is required of a deputy sheriff by:

20 (1) Taking and filing an oath of office as required by §6-1-1 et seq. of this code; and
21 (2) Posting an official bond as required by §6-2-1 et seq. of this code.

22 (e) Such school protection officer shall serve during the joint will and pleasure of the sheriff
23 and the county commission and his or her appointment may be revoked by order entered of record
24 by the county commission either with or without the assignment of cause therefore.

25 (f) School protection officers appointed under this chapter have general police powers,
26 including the power to arrest, without process, all persons who within their view commit any
27 offense. They have the same common law and statutory powers, privileges, and immunities as
28 deputy sheriffs, except that they are empowered to serve civil processes only to the extent
29 authorized by the employing governing body; however, any powers may be expressly forbidden
30 them by the governing body employing them. In addition to any other powers or duties, such
31 school prevention officers shall enforce and assist the educators and administrators of their school
32 district or school in the enforcement of the rules and regulations of the school corporation and
33 assist and cooperate with other law enforcement agencies and officers.

34 (g) Such school protection officer shall not participate in any strike, unemployment boycott,
35 or other industrial or labor dispute, nor serve any court process of any character relating thereto.
36 He or she shall act as such school protection officer only in the school district for which he or she is
37 appointed.

38 (h) Any person appointed to perform the duties of school protection officer shall be a public
39 officer and the payment, or contribution to the payment of compensation of such school protection
40 officer shall not constitute the person, firm or corporation making such payment or contribution the
41 employer of such local conservator and no person, firm or corporation paying, or contributing to
42 the payment of compensation to such local conservator shall be answerable in law or in equity for

43 any damages to person or property resulting from any official act of such school protection officer.

44 (i) Any school protection officer violating any of the provisions of this section shall be guilty
45 of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$50 nor more than
46 \$300, or be confined in the jail not more than six months, or both, in the discretion of the court; and
47 it shall be the duty of the sheriff and the county court to forthwith revoke his or her appointment
48 irrespective of any criminal prosecution.

§7-14F-2. Jurisdiction and authority.

1 Such school prevention officer may exercise the powers granted under this section only
2 upon any property owned, leased, or occupied by the school district, including the streets passing
3 through and adjacent to the property. Additional jurisdiction may be established by agreement with
4 the chief of police of the municipality or sheriff of the county or the appropriate law enforcement
5 agency where the property is located, dependent upon the jurisdiction involved.

§7-14F-3. School protection officer qualifications.

1 (a) School Prevention officers shall undergo criminal background checks, drug testing, and
2 a psychological evaluation before holding the position of school prevention officer.

3 (b) A person who fulfills the certification requirements for law-enforcement officers under
4 §30-29-5 of this code is considered qualified for appointment as a school protection officer.

5 (c) A retired police officer may qualify for appointment as a school protection officer if he or
6 she meets the certification requirements under §30-29-5 of this code.

§7-14F-4. Removal of school protection officers.

1 Any school protection officer appointed pursuant to section one of this article, may, at any
2 time, be removed from office by the sheriff, or by the court, or other tribunal in lieu thereof, by and
3 with the consent of which he or she was appointed: *Provided*, That nothing contained herein or
4 elsewhere in the laws of this state provided, except the procedure for removal of officers set forth
5 in §6-6-7 of the Code of West Virginia, 1931, shall empower or be construed to authorize the
6 removal, or revocation of appointment and confirmation of any school protection officer by any

7 tribunal, officer or body whatsoever, except by the sheriff by whom he or she was appointed,
8 unless good cause be shown for such removal, dismissal or revocation of appointment.

§7-14F-5. Political activity prohibited.

1 (a) A school protection officer may not engage in any political activity or campaign involving
2 the Office of Sheriff or from which activity or campaign the sheriff or candidates for sheriff
3 appointing the member would directly benefit.

4 (b) No school protection officer shall act as an election official or remain in, about or near
5 any voting place or place of political convention, further than is necessary for he or she to promptly
6 cast his or her vote and retire from the voting place.

§7-14F-6. School protection officer federal requirements.

1 It is the intent of the Legislature in enacting this section during the regular session of the
2 Legislature that active school prevention officers meeting all the requirements of this section also
3 meet the requirements of the federal Law-Enforcement Officers Safety Act, 18 U.S.C. § 926B.

§7-14F-7. Law-enforcement grants.

1 Notwithstanding any other provisions of this code to the contrary, and for purposes of
2 enhancing the ability of school protection officers to perform their duties, a governing board may
3 apply for and receive any public or private grant or other financial award that is available to other
4 law-enforcement agencies in the state.

§7-14F-8. Limitations on liability.

1 Law enforcement agencies of jurisdiction of a school shall be exempt from any liability for
2 unoccupied school prevention officer positions.

§7-14F-9. Severability.

1 If any provision of this policy or the application thereof to any person or circumstance is
2 held invalid, such federal legislation or invalidity shall not affect other provisions or applications of
3 this article.

NOTE: The purpose of this bill is to authorize the appointment, qualifications, certification,

authority, compensation, and training of school protection officers by a sheriff, and to provide for limitations on the civil liability of school protection officers in certain circumstances.

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