

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4552

By Delegates Brooks, Martin, Hornby, Pritt, Green,

and Hott

[Originating in the Committee on the Judiciary;

Reported on February 2, 2026.]

1 A BILL to amend §15A-3-10 of the Code of West Virginia, 1931, as amended, relating to the law-
2 enforcement powers of correctional officers; clarifying that certain employees of the
3 Division of Corrections and Rehabilitation are law-enforcement officers; clarifying the
4 powers and duties of the commissioner; clarifying the authority of correctional peace
5 officers; and clarifying that certain correctional officers shall receive identification to carry
6 weapons off duty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-10. Law-enforcement powers of employees; authority to carry firearms.

1 (a) ~~Other than as~~ As outlined in this section, a correctional officer employed by the division
2 is ~~not~~ a law-enforcement officer ~~as that term is defined in §30-29-1 of this code:~~ Provided, That
3 such law-enforcement officers who have successfully completed the appropriate training program
4 for correctional officers established by the commissioner pursuant to §15A-3-4 are not subject to
5 the certification requirements set forth in §30-29-1 et seq.: Provided, however, That the
6 commissioner may consult with the Law Enforcement Professional Standards Subcommittee of
7 the Governor's Committee on Crime, Delinquency and Correction when designing his or her law-
8 enforcement officer training course specifically for correctional officers: Provided further, That
9 nothing in this section shall be construed as superseding the requirements set forth in §30-29-5 of
10 this code for a person to be employed as a law-enforcement officer by any West Virginia law-
11 enforcement agency or by any state institution of higher education or by a hospital or by the Public
12 Service Commission of West Virginia.

13 (b) The commissioner is a law-enforcement official, and ~~may~~ has the authority to use, and
14 permit and allow or disallow his or her designated employees to use, publicly provided carriage to
15 travel from their residences to their workplace and return: *Provided*, That the usage is subject to
16 the supervision of the commissioner and is directly connected with and required by the nature and
17 in the performance of the official's or designated employee's duties and responsibilities.

(c) All employees of the division are responsible for enforcing rules and laws necessary for the control and management of correctional units and the maintenance of public safety that is within the scope of responsibilities of the division.

(d) Persons employed by the Division of Corrections and Rehabilitation as correctional officers ~~may~~ are authorized and empowered to make arrests of persons already charged with a violation of law who surrender themselves to the correctional officer, to arrest persons already in the custody of the division for violations of law occurring in the officer's presence, to detain or arrest persons for violations of state law committed on the property of any facility under the jurisdiction of the commissioner, and to conduct investigations, pursue, and apprehend escapees from the custody of a facility of the division.

(e) The commissioner may designate correctional employees as correctional peace officers who ~~may~~ have the authority to:

(1) Detain persons for violations of state law committed on the property of any state correctional institution;

(2) Conduct investigations regarding criminal activity occurring within a correctional facility;

(3) Execute criminal process or other process in furtherance of these duties; and

(4) Apply for, obtain, and execute search warrants necessary for the completion of ~~their~~ his or her duties and responsibilities.

(f) The Corrections Special Operations Team is continued and consists of the Corrections Emergency Response Team, the K9 unit, and the Crisis Negotiations team created under the former Division of Corrections. The Corrections Special Operations Team serves as the first responder necessary for the protection of life, liberty, and property. It has limited law-enforcement authority regarding matters occurring at jails, correctional centers, and juvenile centers, and arrest powers to apprehend escapees, absconders, and in all matters arising on the grounds of a facility under the care and control of the commissioner: *Provided*, That at any time the Corrections Special Operations Team is apprehending an escapee or an absconder outside the confinement

of the facility grounds, it does so with the assistance and cooperation of local law enforcement or the West Virginia State Police.

(g) Notwithstanding any provision of this code to the contrary, the commissioner may issue a certificate authorizing any correctional employee who has successfully completed the division's training program for firearms certification to carry a firearm in the performance of his or her official duties. The training program shall be approved by the commissioner and be equivalent to the training requirements applicable to deputy sheriffs for the use and handling of firearms. Any correctional employee authorized to do so by the commissioner may carry division-issued firearms while in the performance of his or her official duties, which shall include travel to and from work sites. To maintain certification, a correctional employee must successfully complete an annual firearms qualification course equivalent to that required of certified law-enforcement officers as established by the law enforcement professional standards program. The certificate shall be on a form prescribed by the commissioner and shall bear his or her official signature.

(h) In recognition of the duties of their employment supervising the confinement and transportation of inmates, and their arrest powers referenced in this section which constitute law enforcement, correctional officers with the power to arrest and who have been authorized to carry firearms by the Commissioner are determined to be qualified law-enforcement officers as that term is used in 18 U.S.C. § 926B. When a qualified law-enforcement officer within the meaning of this subdivision retires from, or otherwise honorably ceases employment with the division, such correctional officer is determined to be a qualified retired law-enforcement officer within the meaning of 18 U. S. C. §926C: *Provided*, That such officer maintains the requirements of and status as an honorably separated or qualified retired law-enforcement officer within the meaning of 18 U. S. C. §926C.

(i) Any state designated correctional officer may carry a concealed firearm for self-defense purposes pursuant to the provisions of 18 U.S.C. § 926B, if the following criteria are met:

(1) The Commissioner of Corrections has a written policy authorizing correctional officers

70 to carry a concealed firearm for self-defense purposes;

71 (2) There is in place a requirement that the designated correctional officers annually qualify
72 in the use of a firearm with standards for qualification which are equal to, or exceed, those required
73 of sheriff's deputies by the Law-Enforcement Professional Standards Program;

74 (3) The Commissioner issues a photographic identification and certification card which
75 identify the designated correctional officers as qualified law-enforcement employees pursuant to
76 the provisions of this subsection.

77 (j) Any policy instituted pursuant to this section shall include provisions which:

78 (1) Preclude or remove a person from participation in the concealed firearm program;

79 (2) Preclude from participation persons prohibited by federal or state law from possessing
80 or receiving a firearm and;

81 (3) Prohibit persons from carrying a firearm pursuant to the provisions of this subsection
82 while in an impaired state as defined in §17C-5-2 of this code.

83 (k) Any designated correctional officer who participates in a program authorized by the
84 provisions of this subsection is responsible, at his or her expense, for obtaining and maintaining a
85 suitable firearm and ammunition.

86 (l) It is the intent of the Legislature in enacting the amendments to this section during the
87 2024 regular session of the Legislature to authorize designated correctional officers wishing to do
88 so to meet the requirements of the federal Law-Enforcement Officer's Safety Act, 18 U.S.C. §
89 926B.

90 (m) The privileges authorized by the amendments to this section enacted during the 2024
91 regular session of the Legislature are wholly within the discretion of the Commissioner.

92 (n) The provisions of §30-29-12 of this code shall apply to all correctional officers
93 recognized in subsection (h) of this section.