

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 5067

By Delegate Akers

[Originating in the Committee on the Judiciary;

Reported on February 20, 2026]

1 A BILL to amend and reenact §15A-2-4 and §15A-9-3 of the Code of West Virginia, 1931, as
2 amended, relating to the powers and duties of the Division of Administrative Services;
3 clarifying that where federal grant programs are only open to law enforcement agencies,
4 the Director of the Division of Administrative Services may enter into an agreement with
5 such agencies within the Department of Homeland Security to facilitate the application for
6 and administration of such grants; repealing the provision authorizing the Deputy
7 Secretary of the Department of Homeland Security to hear certain appeals; and clarifying
8 that the Office of Administrative Hearings shall have jurisdiction to hear appeals from any
9 contested matter before a subcommittee of the Governor's Committee on Crime,
10 Delinquency and Correction.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. DIVISION OF ADMINISTRATIVE SERVICES.

§15A-2-4. Criminal justice and grant administration.

1 (a) The director shall:

2 (1) Carry out the specific duties imposed on the Governor's Committee on Crime,
3 Delinquency, and Correction under the provisions of §15-9-1 et seq. of this code, §30-29-1 et seq.
4 of this code, and §62-11C-1 et seq. of this code;

5 (2) Maintain appropriate liaison with federal, state, and local agencies and units of
6 government, or combinations thereof, in order that all programs, projects, and activities for
7 strengthening and improving law enforcement, public safety, and the administration of criminal
8 justice may function effectively at all levels of government;

9 (3) Seek sources of federal grant assistance programs that may benefit the state when
10 authorized by the Governor and manage the dispersal of those funds through grant contracts to
11 subgrantees in a manner consistent with state and federal law and with sound and accountable
12 management practices for the efficient and effective use of public funds;

(4) Seek sources of program or grant assistance from foundations, corporations, and organizations which funding is consistent with its responsibilities and the purposes assigned to the director, the Governor's Committee on Crime, Delinquency, and Correction, and any of its subcommittees; and

(5) Serve as the Executive Director of the Governor's Committee on Crime, Delinquency, and Correction and its subcommittees: *Provided*, That notwithstanding any provision of this code or a rule promulgated thereunder to the contrary, appeals to the Governor's Committee on Crime, Delinquency, and Correction from an individual who has been denied entry into an entry level law-enforcement certification program, a trainee who has not been allowed to continue in the entry level law-enforcement training process, an officer who has made application for his or her law-enforcement certification to be reactivated and that application has been denied, or an officer or individual whose law-enforcement certification as a law enforcement officer or as an instructor has been denied, suspended, or decertified, pursuant to a final decision of the Law-Enforcement Professional Standards Subcommittee established by §30-29-2 of this code, shall be heard by ~~the Deputy Secretary of the Department of Military Affairs and Public Safety or his or her designee~~ the Office of Administrative Hearings established in §15A-9-1 et seq. of this code.

(b) In discharging these duties, the director may:

(1) Work to bridge gaps between federal, state, and local units of government, as well as private/nonprofit organizations and the general public;

(2) Provide staff assistance in the coordination of all facets of the criminal and juvenile justice systems on behalf of the Governor's Committee on Crime, Delinquency, and Correction, including, but not limited to, law enforcement, jails, corrections, community corrections, juvenile justice, sexual assault forensic examinations, and victim services;

(3) Acquire criminal justice resources and coordinate the allocation of these resources to state, local, and not-for-profit agencies;

(4) Maintain a web-based database for all community corrections programs;

(5) Collect, compile, and analyze crime and justice data in the state, generating statistical and analytical products for criminal justice professionals and policy makers to establish a basis for sound policy and practical considerations for the criminal justice system, make such recommendations for system improvement as may be warranted by such research, and contract with other persons, firms, corporations, or organizations to assist in these responsibilities; and

(6) Receive and disburse federal and state grants and funding received from foundations, corporations, or other entities; and

(7) Enter into agreements with law enforcement agencies within the Department of Homeland Security, including the West Virginia State Police, to facilitate the application for and administration of federal grants that are exclusively open to law enforcement agencies or are only open to entities invited by the federal grant program.

(c) Nothing in this article authorizes the division to undertake direct operational responsibilities in law enforcement or the administration of criminal justice.

(d) The director shall propose legislative rules for legislative approval pursuant to §29A-3-1 *et seq.* of this code which may be necessary to fulfill the functions and responsibilities of this article and the Governor's Committee on Crime, Delinquency, and Correction. All legislative rules and policies of the former Division of Justice and Community Services shall be transferred to the Division of Administrative Services and remain effective until amended or terminated pursuant to the provisions of §29A-3-1 *et seq.* of this code by the Division of Administrative Services: *Provided*, That these rules shall expire on July 1, 2022, if not superseded sooner.

ARTICLE 9. OFFICE OF ADMINISTRATIVE HEARINGS.

§15A-9-3. Jurisdiction of Office of Administrative Hearings.

Notwithstanding any provision of this code to the contrary, the Office of Administrative Hearings has jurisdiction to hear and determine all:

(1) Level one grievance proceedings for all divisions of the department, except for the State Police.

(2) Appeals from decisions or orders of the State Fire Commission, except as otherwise provided in §15A-10-9(b) of this code;

(3) Appeals from decisions or orders of any of the subcommittees of the Governor's Committee on Crime, Delinquency and Correction;

~~(3)~~ (4) Other matters for which a hearing examiner is necessary within the department or any division of the department; and

~~(4)~~ (5) Other matters which may be conferred upon the office by statute or legislatively approved rules.