

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5175

By Delegate Criss

[Introduced February 04, 2026; referred to the

Committee on Finance]

1 A BILL to amend and reenact §8-22A-33a and §18B-4-5 of the Code of West Virginia, 1931, as
2 amended, relating to the Municipal Police Officers and Firefighters Retirement System;
3 clarifying campus police officers' ability to use leave days for retirement credit; and
4 correcting statutory provisions pertaining to campus police officers' election to participate
5 in the Municipal Police Officers and Firefighters Retirement System.

Be it enacted by the Legislature of West Virginia:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 22A. WEST VIRGINIA MUNICIPAL POLICE OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM.

§8-22A-27a. Credit toward retirement for member's accrued annual or sick leave days.

1 (a) For purposes of this section, an annual leave or sick leave day shall be the equivalent of
2 eight hours of leave.

3 (b) Any member accruing annual leave or sick leave days may, after the effective date of
4 this section, elect to use the days which stand to the member's credit with the member's last
5 covered employment employer at the time of retirement to acquire additional credited service in
6 this retirement system: Provided, That any campus police officer who elected to become a
7 member of this plan pursuant to §18B-4-5 of this code may only use annual leave or sick leave
8 days accrued after the date participation began in the plan. The days shall be applied on the basis
9 of one days' credit granted for each one day of accrued annual or sick leave days, with each month
10 of retirement service credit to equal 20 days and with any remainder of less than 10 days to be
11 dropped and not used, notwithstanding any provisions of this code to the contrary. The credited
12 service shall be allowed and not considered to controvert the requirement of no more than 12
13 months' credited service in any year's period.

14 (c) Members employed by any covered employment employer with a policy for the accrual
15 of unused sick and annual leave which is more generous than that of the State of West Virginia for

16 its state agency employees shall receive service credit only for accrued unused sick and annual
17 leave as provided for by the State of West Virginia for state employees who are covered by the
18 rules of the West Virginia Division of Personnel. If the member is paid in a lump sum for accrued
19 unused leave, the Board shall not consider the lump sum payment as annual compensation in
20 computing a member's final average salary.

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation and removal; law enforcement grants; pension plan.

1 (a) The governing boards may appoint qualified individuals to serve as campus police
2 officers upon any premises owned or leased by the State of West Virginia and under the
3 jurisdiction of the governing boards, subject to the conditions and restrictions established in this
4 section.

5 (1) A person who previously was qualified for employment as a law-enforcement officer for
6 an agency or political subdivision of any state is considered qualified for appointment as a campus
7 police officer.

8 (2) Before performing duties as a campus police officer in any county, a person shall qualify
9 as is required of county police officers by:

10 (A) Taking and filing an oath of office as required by §6-1-1 *et seq.* of this code; and
11 (B) Posting an official bond as required by §6-2-1 *et seq.* of this code.

12 (b) A campus police officer may carry a gun and any other dangerous weapon while on
13 duty if the officer fulfills the certification requirement for law-enforcement officers under §30-29-5
14 of this code or meets the requirements of subsection (a) of this section.

15 (c) A campus police officer shall preserve law and order on:

16 (1) The premises under the jurisdiction of the governing board; and

17 (2) Any street, road, or thoroughfare, except controlled access and open country
18 highways, immediately adjacent to or passing through premises, to which the officer is assigned
19 by the president of the institution.

20 (A) For the purpose of this subdivision, the campus police officer is a law-enforcement
21 officer pursuant to the provisions of §30-29-1 *et seq.* of this code;

22 (B) The officer has and may exercise all the powers and authority of a law-enforcement
23 officer as to offenses committed within the area assigned;

24 (C) The officer is subject to all the requirements and responsibilities of a law-enforcement
25 officer;

26 (D) Authority assigned pursuant to this subdivision does not supersede in any way the
27 authority or duty of other law-enforcement officers to preserve law and order on these premises;

(E) Campus police officers may assist a local law-enforcement agency on public highways.

29 The assistance may be provided to control traffic in and around premises owned by the state
30 when:

31 (i) Traffic is generated as a result of athletic or other activities conducted or sponsored by
32 the institution; and

33 (ii) The assistance has been requested by the local law-enforcement agency; and

34 (F) Campus police officers may assist a local law-enforcement agency in any location
35 under the agency's jurisdiction at the request of the agency.

36 (d) The salary of a campus police officer is paid by the employing governing board. A state
37 institution may furnish each campus police officer with a firearm and an official uniform to be worn
38 while on duty. The institution shall furnish and require each officer while on duty to wear a shield
39 with an appropriate inscription and to carry credentials certifying the person's identity and authority
40 as a campus police officer.

41 (e) A governing board may at its pleasure revoke the authority of any campus police officer
42 and such officers serve at the will and pleasure of the governing board. The president of the state

43 institution shall report the termination of employment of a campus police officer by filing a notice to
44 that effect in the office of the clerk of each county in which the campus police officer's oath of office
45 was filed.

46 (f) Notwithstanding any other provisions of this code to the contrary, and for purposes of
47 enhancing the ability of campus police officers to perform their duties, a governing board may
48 apply for and receive any public or private grant or other financial award that is available to other
49 law-enforcement agencies in the state.

50 (g) ~~Current campus police officers may choose to participate in the Deputy Sheriffs Retirement System, to be administered by the Consolidated Public Retirement Board. Should the current campus police officer choose to participate in the Deputy Sheriffs Retirement System, no service credit or dollars accrued may be moved to that system.~~

54 (h) ~~Effective January 1, 2026, all newly hired campus police officers shall participate in the Deputy Sheriffs Retirement System. Campus police officers hired before January 1, 2026, may elect to participate in the Municipal Police Officers and Firefighters Retirement System administered by the Consolidated Public Retirement Board: Provided, That no campus police officer participating in the Municipal Police Officers and Firefighters Retirement System may move any service credit or dollars previously accrued from any other retirement plan into the Municipal Police Officers and Firefighters Retirement System: Provided, however, That no campus police officer participating in the Municipal Police Officers and Firefighters Retirement System may participate in any other retirement system or plan offered by the campus police officer's employer: Provided further, That campus police officers hired before January 1, 2026, must inform the West Virginia Consolidated Public Retirement Board in writing of their choice to become a member of the Municipal Police Officers and Firefighters Retirement System to begin membership: And provided further, That any campus police officer hired before January 1, 2026, who does not choose to become a member of the Municipal Police Officers and Firefighters Retirement System must inform the West Virginia Consolidated Public Retirement Board in writing of their decision not~~

69 to participate on or before December 31, 2025, and may not choose to participate in the Municipal
70 Police Officers and Firefighters after that date.
71 (h) All campus police officers hired on or after January 1, 2026, shall participate in the
72 Municipal Police Officers and Firefighters Retirement System.

NOTE: The purpose of this bill is to clarify unused leave accruals eligible for campus police officers to use for additional service credit upon retirement and technical clean up.

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