

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5450

By Delegate Akers

[By request of the Department of Homeland Security

– Division of Administrative Services]

[Introduced February 11, 2026; referred to the

Committee on the Judiciary]

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 removing the responsibility to hear appeals of certification decisions
3 by Subcommittee from the Deputy Cabinet Secretary or his or her designee to the Office of
4 Administrative Hearings, and clarifying that the Office of Administrative Hearings is to hear
5 appeals from decisions or orders of any of the subcommittees of the Governor's
6 Committee on Crime, 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;

13 (4) Seek sources of program or grant assistance from foundations, corporations, and
14 organizations which funding is consistent with its responsibilities and the purposes assigned to the
15 director, the Governor's Committee on Crime, Delinquency, and Correction, and any of its
16 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 under §15A-9-1 et seq.

(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.

(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

12 approved rules.

NOTE: The purpose of this bill is to remove the responsibility to hear appeals of certification decisions by the subcommittee from the Deputy Cabinet Secretary or his or her designee to the Office of Administrative Hearings and clarify that the Office of Administrative Hearings is to hear appeals from decisions or orders of any of the subcommittees of the Governor's Committee on Crime, Delinquency and Correction. to the Office of Administrative Hearings.

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