

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 723

By Senator Barnhart

[Introduced February 3, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §15-10-3 and §15-10-4 of the Code of West Virginia, 1931, as
2 amended, relating to clarification of a law-enforcement agency and cooperation between
3 law-enforcement agencies and personnel of bordering states.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-3. Definitions.

1 For purposes of this article only, and unless a different meaning plainly is required:

2 (1) "Criminal justice enforcement personnel" means those persons within ~~the~~ this or an
3 adjoining state criminal justice system who are actually employed as members of the State Police,
4 members of the Division of Protective Services, natural resources police officers, chiefs of police
5 and police of incorporated municipalities, and county sheriffs and their deputies and whose
6 primary duties are the investigation of crime and the apprehension of criminals.

7 "Law-enforcement agency" means an agency of the United States, a State, or a political
8 subdivision of a state, authorized by law to enforce, engage in or supervise the prevention,
9 detection, investigation, or prosecution of any violation of criminal law to include the State Police,
10 Division of Protective Services, police department of an incorporated municipality, the Office of the
11 Sheriff, or the Division of Forestry.

12 (2) "Head of a law-enforcement agency" means the Superintendent of the State Police, the
13 Director of the Division of Protective Services, the chief natural resources police officer of the
14 Division of Natural Resources, a chief of police of an incorporated municipality, a county sheriff or
15 the Director of the Division of Forestry.

16 (3) "State or local law-enforcement officer" means any duly authorized member of a law-
17 enforcement agency who is authorized to maintain public peace and order, prevent and detect
18 crime, make arrests and enforce the laws of the state or any county or municipality thereof, other
19 than parking ordinances, and includes persons employed as campus police officers at state
20 institutions of higher education in accordance with the provisions of section five, article four,

chapter eighteen-b of this code, although those institutions may not be considered law-enforcement agencies.

(4) "Head of campus police" means the superintendent or administrative head of state or local law-enforcement officers employed as campus police officers at state institutions of higher education in accordance with the provisions of section five, article four, chapter eighteen-b of this code.

§15-10-4. Cooperation between law-enforcement agencies and other groups of state or local law-enforcement officers.

(a) The head of any law-enforcement agency, or the head of any campus police, as those terms are defined in section three of this article, may temporarily provide assistance and cooperation to another agency of ~~the~~ this or an adjoining state criminal justice system or to a federal law-enforcement agency in investigating crimes or possible criminal activity if requested to do so in writing by the head of another law-enforcement agency or federal law-enforcement agency. Such assistance may also be provided upon the request of the head of the law-enforcement agency or federal law-enforcement agency without first being reduced to writing in emergency situations involving the imminent risk of loss of life or serious bodily injury. The assistance may include, but is not limited to, entering into a multijurisdictional task force agreement to integrate federal, state, county and municipal law-enforcement agencies or other groups of state or local law-enforcement officers, or any combination thereof, for the purpose of enhancing interagency coordination, intelligence gathering, facilitating multijurisdictional investigations, providing criminal justice enforcement personnel of the law-enforcement agency to work temporarily with personnel of another agency, including in an undercover capacity, and making available equipment, training, technical assistance and information systems for the more efficient investigation, apprehension and adjudication of persons who violate the criminal laws of this state or the United States and to assist the victims of such crimes. When providing the assistance under this article, a the head of a law-enforcement agency shall comply with all

19 applicable statutes, ordinances, rules, policies or guidelines officially adopted by the state or the
20 governing body of the city or county by which he or she is employed and any conditions or
21 restrictions included therein.

22 (b) While temporarily assigned to work with another law-enforcement agency or agencies,
23 criminal justice enforcement personnel and other state and local law-enforcement officers shall
24 have the same jurisdiction, powers, privileges and immunities, including those relating to the
25 defense of civil actions, as such criminal justice enforcement personnel would enjoy if actually
26 employed by the agency to which they are assigned, in addition to any corresponding or varying
27 jurisdiction, powers, privileges and immunities conferred by virtue of their continued employment
28 with the assisting agency.

29 (c) While assigned to another agency or to a multijurisdictional task force, criminal justice
30 enforcement personnel and other state and local law-enforcement officers shall be subject to the
31 lawful operational commands of the superior officers of the agency or task force to which they are
32 assigned, but for personnel and administrative purposes, including compensation, they shall
33 remain under the control of the assisting agency. These assigned personnel shall continue to be
34 covered by all employee rights and benefits provided by the assisting agency, including workers'
35 compensation, to the same extent as though such personnel were functioning within the normal
36 scope of their duties.

37 (d) No request or agreement between the heads of law-enforcement agencies, or the
38 heads of campus police, made or entered into pursuant to this article shall remain in force or effect
39 until a copy of said request or agreement is filed with the office of the circuit clerk of the county or
40 counties in which the law-enforcement agencies, or the campus police, involved operate.
41 Agreements made pursuant to this article shall remain in effect unless and until the agreement is
42 changed or withdrawn in writing by the head of one of the law-enforcement agencies. Upon filing,
43 the requests or agreements may be sealed, subject to disclosure pursuant to an order of a circuit
44 court directing disclosure for good cause. Nothing in this article shall be construed to limit the

45 authority of the head of a law-enforcement agency or the head of campus police to withdraw from
46 any agreement at any time.

47 (e) Nothing contained in this article shall be construed so as to grant, increase, decrease or
48 in any manner affect the civil service protection or the applicability of civil service laws as to any
49 criminal justice enforcement personnel, or as to any state or local law-enforcement officer or
50 agency operating under the authority of this article, nor shall this article in any way reduce or
51 increase the jurisdiction or authority of any criminal justice enforcement personnel, or of any state
52 or local law-enforcement officer or agency, except as specifically provided herein.

53 (f) Nothing contained in this article shall be construed so as to authorize the permanent
54 consolidation or merger or the elimination of operations of participating federal, state, county and
55 municipal law-enforcement agencies, or other groups of state and local law-enforcement officers,
56 or campus police.

NOTE: The purpose of this bill is to clarify cooperation between law-enforcement agencies
and personnel with states bordering this state.

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