

# **WEST VIRGINIA LEGISLATURE**

**2026 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 723**

BY SENATORS BARNHART, DEEDS, AND GRADY

[Reported March 2, 2026, from 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 authorizing certain cooperation and assistance between law-  
3 enforcement agencies of this state and 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 ~~(4)~~ "Criminal justice enforcement personnel" means those persons:

3 (1) Within the state criminal justice system who are actually employed as members of the  
4 State Police, members of the Division of Protective Services, natural resources police officers,  
5 chiefs of police, and police of incorporated municipalities, and county sheriffs and their deputies  
6 and whose primary duties are the investigation of crime and the apprehension of criminals  
7 investigating crime and apprehending criminals; and

8 (2) Within an adjoining state's criminal justice system who are actually employed as  
9 members of a law-enforcement agency and whose primary duties are investigating crime and  
10 apprehending criminals;

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

15 "Head of campus police" means the superintendent or administrative head of state or local  
16 law-enforcement officers employed as campus police officers at any state institutions of higher  
17 education in accordance with the provisions of §18B-4-5 of this code;

18 "Law-enforcement agency" means an agency of the United States, this state, an adjoining  
19 state, or a political subdivision of this or an adjoining state, authorized by law to enforce, engage  
20 in, or supervise the prevention, detection, investigation, or prosecution of any violation of criminal

21 law. Law-enforcement agency includes the State Police, the Division of Protective Services, a  
22 police department of an incorporated municipality, a county sheriff's office, or the Division of  
23 Forestry; and

24 (3)-"State or local law-enforcement officer" means any duly authorized member of a law-  
25 enforcement agency who is authorized to maintain public peace and order, prevent and detect  
26 crime, make arrests and enforce the laws of the state or any county or municipality thereof, other  
27 than parking ordinances, and includes persons employed as campus police officers at state  
28 institutions of higher education in accordance with the provisions of §18B-4-5 of this code,  
29 although those institutions ~~may not be considered~~ are not law-enforcement agencies.

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

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

1 (a) The head of any law-enforcement agency, or the head of any campus police, as those  
2 terms are defined in §15-10-3 of this code, may temporarily provide assistance and cooperation  
3 to another agency of ~~the state~~ this or an adjoining state's criminal justice system or to a federal  
4 law-enforcement agency in investigating crimes or possible criminal activity if requested to do so  
5 in writing by the head of another law-enforcement agency or federal law-enforcement agency.  
6 ~~Such~~ The assistance may also be provided upon ~~the~~ request of the head of the law-enforcement  
7 agency or federal law-enforcement agency without first being reduced to writing in emergency  
8 situations involving ~~the~~ imminent risk of loss of life or serious bodily injury.

9 (1) The assistance may include, but is not limited to:

10 (A) Entering into a multijurisdictional task force agreement to integrate federal, state,  
11 county, and municipal law-enforcement agencies or other groups of state or local law-

12 enforcement officers, or any combination thereof, for the purpose of enhancing interagency  
13 coordination, intelligence gathering, facilitating multijurisdictional investigations, providing criminal  
14 justice enforcement personnel of the law-enforcement agency to work temporarily with personnel  
15 of another agency, including in an undercover capacity; and

16 (B) Making available equipment, training, technical assistance, and information systems  
17 for the more efficient investigation, apprehension, and adjudication of persons who violate the  
18 criminal laws of this state or the United States and to assist the victims of such crimes.

19 (2) When providing ~~the~~ assistance under this article, ~~a~~ the head of a law-enforcement  
20 agency shall comply with all applicable statutes, ordinances, rules, policies, or guidelines officially  
21 adopted by the state or the governing body of the city or county by which he or she is employed  
22 and any conditions or restrictions included therein.

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

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

38           (d) ~~No~~ A request or agreement between the heads of law-enforcement agencies, or the  
39 heads of campus police, made or entered into pursuant to this article, ~~shall~~ may not remain in  
40 force or effect until a copy of ~~said~~ that request or agreement is filed with the office of the circuit  
41 clerk of ~~the~~ any county ~~or counties~~ in which the law-enforcement agencies, or the campus police,  
42 involved operate. Agreements made pursuant to this article ~~shall~~ remain in effect unless and until  
43 the agreement is changed or withdrawn in writing by the head of one of the law-enforcement  
44 agencies. Upon filing, the requests or agreements may be sealed, subject to disclosure pursuant  
45 to an order of a circuit court directing disclosure for good cause. ~~Nothing in This article shall be~~  
46 ~~construed to limit the authority of~~ The head of a law-enforcement agency or the head of campus  
47 police ~~to~~ may withdraw from any agreement at any time.

48           (e) ~~Nothing contained in this article shall be construed so as to~~ This article does not:

49           (1) Grant, increase, decrease, or in any manner affect the civil service protection or the  
50 applicability of civil service laws as to any criminal justice enforcement personnel, or as to any  
51 state or local law-enforcement officer or agency operating under the authority of this article; ~~nor~~  
52 ~~shall this article in any way~~

53           (2) Reduce or increase the jurisdiction or authority of any criminal justice enforcement  
54 personnel, or of any state or local law-enforcement officer or agency, except as specifically  
55 provided ~~herein~~ in this section; nor

56           (f) ~~Nothing contained in this article shall be construed so as to~~

57           (3) Authorize the permanent consolidation or merger or the elimination of operations of  
58 participating federal, state, county, and municipal law-enforcement agencies, or other groups of  
59 state and local law-enforcement officers, or campus police.