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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

## House Bill No. 4289

(By Delegates Amores, Manuel, Marshall,  
Webster, Staton, Smirl and Webb)



Passed February 25, 2002

In Effect Ninety Days from Passage

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## E N R O L L E D

### H. B. 4289

(BY DELEGATES AMORES, MANUEL, MARSHALL,  
WEBSTER, STATON, SMIRL AND WEBB)

[Passed February 25, 2002; in effect ninety days from passage.]

AN ACT to amend article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten, relating to prohibiting racial profiling by law-enforcement officers and agencies.

*Be it enacted by the Legislature of West Virginia:*

That article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten, to read as follows:

#### **ARTICLE 29. LAW ENFORCEMENT TRAINING AND CERTIFICATION.**

##### **§30-29-10. Prohibition of racial profiling.**

- 1 (a) The Legislature finds that the use by a law-enforcement
- 2 officer of race, ethnicity, or national origin in deciding which
- 3 persons should be subject to traffic stops, stops and frisks,
- 4 questioning, searches, and seizures is a problematic law-
- 5 enforcement tactic. The reality or public perception of racial

6 profiling alienates people from police, hinders community  
7 policing efforts, and causes law-enforcement officers and law-  
8 enforcement agencies to lose credibility and trust among the  
9 people law-enforcement is sworn to protect and serve. There-  
10 fore, the West Virginia Legislature declares that racial profiling  
11 is contrary to public policy and should not be used as a law-  
12 enforcement investigative tactic.

13 (b) For purposes of this section:

14 (1) The term “law-enforcement officer” means any duly  
15 authorized member of a law-enforcement agency who is  
16 authorized to maintain public peace and order, prevent and  
17 detect crime, make arrests and enforce the laws of the state or  
18 any county or municipality thereof.

19 (2) The term “municipality” means any incorporated town  
20 or city whose boundaries lie within the geographic boundaries  
21 of the state.

22 (3) The term “racial profiling” means the practice of a law-  
23 enforcement officer relying, to any degree, on race, ethnicity,  
24 or national origin in selecting which individuals to subject to  
25 routine investigatory activities, or in deciding upon the scope  
26 and substance of law-enforcement activity following the initial  
27 routine investigatory activity. Racial profiling does not include  
28 reliance on race, ethnicity, or national origin in combination  
29 with other identifying factors when the law-enforcement officer  
30 is seeking to apprehend a specific suspect whose race, ethnicity,  
31 or national origin is part of the description of the suspect.

32 (4) The term “state and local law-enforcement agencies”  
33 means any duly authorized state, county or municipal organiza-  
34 tion employing one or more persons whose responsibility is the  
35 enforcement of laws of the state or any county or municipality  
36 thereof.

37 (c) No law-enforcement officer shall engage in racial  
38 profiling.

39 (d) All state and local law-enforcement agencies shall  
40 establish and maintain policies and procedures designed to

41 prevent racial profiling. Policies and procedures shall include  
42 the following:

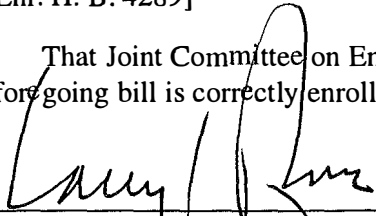
43 (1) A prohibition on racial profiling;

44 (2) Independent procedures for receiving, investigating, and  
45 responding to complaints alleging racial profiling by law-  
46 enforcement officers;

47 (3) Procedures to discipline law-enforcement officers who  
48 engage in racial profiling; and

49 (4) Any other policies and procedures deemed necessary by  
50 state and local law-enforcement agencies to eliminate racial  
51 profiling.

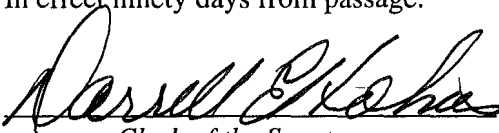
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

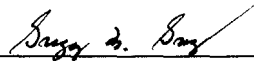
  
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Chairman Senate Committee

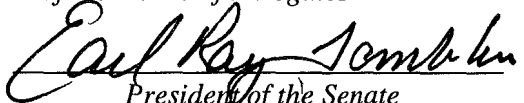
  
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Originating in the House.

In effect ninety days from passage.

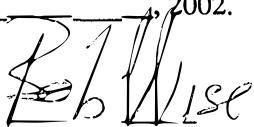
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 14  
day of March, 2002.

  
\_\_\_\_\_  
Governor

REC-20-010731

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DATE

3/1/02

TIME

1:45pm