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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2007



**ENROLLED**

**House Bill No. 2568**

(By Delegates Moore, Hatfield, Wysong, Amores,  
Reynolds, Fleischauer, Webster, Lane,  
Hutchins, Schoen and Marshall)



Passed March 10, 2007

In Effect Ninety Days from Passage

**ENROLLED**

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**H. B. 2568** OFFICE WEST VIRGINIA  
SECRETARY OF STATE

(BY DELEGATES MOORE, HATFIELD, WYSONG, AMORES,  
REYNOLDS, FLEISCHAUER, WEBSTER, LANE,  
HUTCHINS, SCHOEN AND MARSHALL)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §17G-2-3 of the Code of West Virginia, 1931, as amended, relating to extending the sunset provision regarding racial profiling analysis.

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

That §17G-2-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. ANALYSIS OF TRAFFIC STOPS STUDY AND ANNUAL REPORT BY DIRECTOR OF THE GOVERNOR'S COMMITTEE ON CRIME, DELINQUENCY AND CORRECTION.**

**§17G-2-3. Analysis of traffic stop statistics, annual report and legislative rules.**

1 (a) To facilitate the commencement of data collection, the  
2 Director of the Governor's Committee on Crime,  
3 Delinquency and Corrections, in consultation with the  
4 Division of Motor Vehicles, shall propose legislative rules in  
5 accordance with article three, chapter twenty-nine-a of this  
6 code. These rules shall include, but are not limited to:

7 (1) The manner of reporting the information to the  
8 Division of Motor Vehicles;

9 (2) Promulgation of a form or forms for reporting  
10 purposes by various law-enforcement agencies;

11 (3) A means of reporting the information required in  
12 section two, article one of this chapter on warning citations  
13 to the Division of Motor Vehicles;

14 (4) In consultation with the Fraternal Order of Police, the  
15 Sheriff's Association, the Deputy Sheriff's Association and  
16 representatives of law-enforcement agencies, a means of  
17 providing training to law-enforcement officers on completion  
18 and submission of the data on the proposed form;

19 (5) A means of reporting back to individual law-  
20 enforcement agencies, from time to time, at the request of a  
21 law-enforcement agency on findings specific to that agency  
22 in an agreed-upon format to allow the agency to evaluate  
23 independently the data provided;

24 (6) A limitation that the data is to be used solely for the  
25 purposes of this chapter;

26 (7) Safeguards to protect the identity of individual  
27 law-enforcement officers collecting data required by section  
28 two, article one of this chapter when no citation or warning  
29 is issued;

30 (8) Methodology for collection of gross data by  
31 law-enforcement agencies and the analysis of the data;

32 (9) The number of motor vehicle stops and searches of  
33 motor vehicles occupied by members of a perceived minority  
34 group; the number of motor vehicle stops and searches of  
35 motor vehicles occupied by persons who are not members of  
36 a minority group; the population of minorities in the areas  
37 where the stops occurred; estimates of the number of all  
38 vehicles traveling on the public highways where the stops  
39 occurred; factors to be included in any evaluation that the

40 data may indicate racial profiling, racial stereotyping or other  
41 race-based discrimination or selective enforcement; and other  
42 data deemed appropriate by the Governor's Committee on  
43 Crime, Delinquency and Correction for the analysis of the  
44 protection of constitutional rights; and

45 (10) Protocols for reporting collected data by the Division  
46 of Motor Vehicles to the Governor's Committee on Crime,  
47 Delinquency and Correction and the analysis thereof.

48 (b) Annually, on or before the first day of February, the  
49 Director of the Governor's Committee on Crime,  
50 Delinquency and Correction shall publish a public report of  
51 the data collected and provide a copy thereof to all  
52 law-enforcement agencies subject to this chapter and provide  
53 a copy of the report and analysis of the data collected to the  
54 Governor and to the Joint Committee on Government and  
55 Finance.

56 (c) The provisions of sections two and three, article one  
57 of this chapter and section two of this article were effective  
58 the thirty-first day of December, two thousand four.

59 (d) Collection of data pursuant to subsection (a) of this  
60 section shall terminate on the thirty-first day of December,  
61 two thousand eight. The provisions of this chapter shall be  
62 of no force or effect after the thirtieth day of June, two  
63 thousand nine.

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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 22nd  
day of March, 2007.

Governor

PRESENTED TO THE  
GOVERNOR

MAR 18 2007

Time 2:01 pm