WEST VIRGINIA CODE: §15-10-5

§15-10-5. Federal officers' peace-keeping authority.

(a) Notwithstanding any provision of this code to the contrary, any person who is employed by the United States government as a federal law-enforcement officer and is listed in subsection (b) of this section has the same authority to enforce the laws of this state, except state or local traffic laws or parking ordinances, as that authority granted to state or local law-enforcement officers, if one or more of the following circumstances exist:

(1) The federal law-enforcement officer is requested to provide temporary assistance by the head of a state or local law-enforcement agency or the designee of the head of the agency and that request is within the state or local law-enforcement agency's scope of authority and jurisdiction and is in writing: *Provided*, That the request does not need to be in writing if an emergency situation exists involving the imminent risk of loss of life or serious bodily injury;

(2) The federal law-enforcement officer is requested by a state or local law-enforcement officer to provide the officer temporary assistance when the state or local law-enforcement officer is acting within the scope of the officer's authority and jurisdiction and where exigent circumstances exist; or

(3) A felony is committed in the federal law-enforcement officer's presence or under circumstances indicating a felony has just occurred.

(b) This section applies to the following persons who are employed as full-time federal law-enforcement officers by the United States government and who are authorized to carry firearms while performing their duties:

(1) Federal Bureau of Investigation special agents;

(2) Drug Enforcement Administration special agents;

(3) United States Marshals Service marshals and deputy marshals;

(4) United States Postal Service inspectors;

(5) Internal Revenue Service special agents;

(6) United States Secret Service special agents;

(7) Bureau of Alcohol, Tobacco, and Firearms special agents;

(8) Police officers employed at the Federal Bureau of Investigation's criminal justice information services division facility located within this state;

WV Legislature

(9) Department of Veterans Affairs Police and Department of Veterans Affairs special investigators;

(10) Office of Inspector General special agents;

(11) Federal Air Marshals with the Federal Air Marshal Service;

(12) United States Fish and Wildlife Service special agents and law enforcement;

(13) Diplomatic Security Service special agents;

(14) Coast Guard special agents;

(15) Customs and Border Protection law-enforcement agents and officers;

(16) Department of Defense special agents;

(17) Federal Protective Service officers;

(18) Federal Bureau of Prisons officers;

(19) Immigration and Customs Enforcement special agents and law enforcement; and

(20) Military law-enforcement personnel, including military criminal investigative organizations, of any component of the armed forces of the United States or National Guard of this state or another, whose military personnel are conducting law-enforcement missions, corrections missions, or other similar operations.

(c) Notwithstanding any provision of this code to the contrary, law-enforcement commissioned rangers of the National Park Service have the powers of arrest, search, and seizure as to any offense under the laws of this state committed within the boundaries of a national park, national recreation area, or on other real property included in the National Park System.

(d) Notwithstanding any provision of this code to the contrary, law-enforcement officers and special agents commissioned by the United States Forest Service have the powers of arrest, search, and seizure as to any offense under the laws of this state committed within the boundaries of national forests or on other real property managed or overseen by the United States Forestry Service and while acting in the scope of their official duties on such federally managed lands.

(e) Any person acting under the authority granted pursuant to this section:

(1) Has the same authority and is subject to the same exemptions and exceptions to this code as a state or local law-enforcement officer;

(2) Is not an officer, employee, or agent of any state or local law-enforcement agency;

WV Legislature

(3) May not initiate or conduct an independent investigation into an alleged violation of any provision of this code except to the extent necessary to preserve evidence or testimony at risk of loss immediately following an occurrence described in subdivision (3), subsection (a) of this section: *Provided*, That law-enforcement commissioned rangers of the National Park Service and law-enforcement officers and special agents commissioned by the United States Forest Service may undertake an independent investigation pursuant to the authority described in subsections (c) and (d) of this section: *Provided, however*, That nothing in this section shall be construed to permit law-enforcement officers of the National Park Service, or the United States Forest Service, to initiate or conduct investigations unrelated to activities occurring on federal lands managed or overseen by the National Park Service or the United States Forest Service;

(4) Is subject to 28 U.S.C. § 1346, the Federal Tort Claims Act; and

(5) Has the same immunities from liability as a state or local law-enforcement officer.

WV Legislature