
WEST VIRGINIA CODE CHAPTER 8
ARTICLE 29B

WV Legislature

§8-29B-1. Legislative findings and purpose.

The Legislature hereby finds and declares that there is an ever increasing need to eliminate the highjacking of aircraft, air piracy and other criminal and terrorist activities involving air passengers, airport personnel, aircraft and airport property and facilities. This article is enacted in view of this finding and the purpose of this article is to facilitate the providing of airport security.

WV Legislature

§8-29B-2. Definitions.

As used in this article:

(1) "Aircraft" has the meaning provided in §29-2A-1 of this code.

(2) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, as defined above, any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon as well as any heliport, helistop, vertiport, gliderport, seaplane base, ultralight flightpark, manned balloon launching facility, or other aircraft landing or takeoff area operated by an airport operator as that term is defined in §8-29B-2(3) of this code.

(3) "Airport operator" means a governing body, regional airport authority, or county airport authority, under §8-28-1 *et seq.*, §8-29-1 *et seq.*, or §8-29A-1 *et seq.* of this code, or a board, commission, authority, or committee operating under any local act of the Legislature, charged with the operation and management of an airport.

(4) "Airport police officer" means any individual assigned, appointed, or designated by an airport operator, to serve as a police officer at an airport.

§8-29B-3. Rules and regulations; penalties.

Each airport operator shall have plenary power and authority to manage and control the airport under its jurisdiction, to promulgate rules and regulations concerning the management and control of such airport, and to enforce any such rules and regulations so promulgated. Any rules and regulations promulgated shall be printed and posted in a conspicuous public place on the airport premises. The violation of any such rule or regulation shall constitute a misdemeanor and, any person convicted of any such violation shall be punished by a fine of not less than \$50 nor more than \$500 or confined in jail for a period not exceeding 30 days, or by both such fine and confined. Justices of the peace of the county shall have concurrent jurisdiction with the circuit court and other courts of record having criminal jurisdiction of any misdemeanor offenses arising under this article. Violation of any such rule or regulation which also constitutes the violation of any federal or state law or municipal ordinance may be prosecuted and punished as a violation of such federal or state law or municipal ordinance rather than under the provisions of this article. It shall be the duty of every airport operator in this state to promulgate all rules and regulations deemed necessary for airport security.

§8-29B-4. Arrangements for airport police officers; uniform and badge; firearm required.

(a) To enforce any federal or state law or rules and regulations relating to airports and airport security and any rules and regulations promulgated by the airport operator, to protect air passengers, airport personnel, aircraft and the airport and to preserve law and order in connection therewith, the airport operator shall have plenary power and authority to make arrangements for one or more airport police officers, pursuant to the provisions of subsections (b) and (c) of this section.

(b) In those instances in which the airport operator is the governing body of a municipality, and if requested by such airport operator, one or more police officers of such municipality shall be assigned by the mayor thereof to serve as an airport police officer or officers. In those instances in which the airport operator is the governing body of a county or is a county airport authority, and if requested by such airport operator, one or more deputy sheriffs of such county may be assigned by the sheriff of such county, in his discretion, to serve as airport police officer or officers. Compensation for the performance of duties by any such officer assigned as an airport police officer shall be paid as agreed between the airport operator and the mayor or sheriff, as the case may be.

(c) In lieu of or in addition to obtaining one or more airport police officers pursuant to the provisions of subsection (b) of this section and in all instances in which the airport operator is other than as specified in said subsection (b), the airport operator may provide for the appointment and supervision of, or contract for the furnishing by any private security force and the designation by such airport operator of, one or more airport police officers, and pay the agreed compensation thereto or therefor. Any person appointed or designated as an airport police officer pursuant to the provisions of this subsection (c) shall, before entering upon the performance of his duties, qualify in the same manner as is required of a constable by the taking and filing of an oath of office as required by article one, chapter six of this code and by the filing of an official bond as required by article two of said chapter six.

(d) The airport operator may terminate the assignment of an airport police officer assigned pursuant to the provisions of subsection (b) of this section by notice to the mayor or sheriff, as the case may be, who made the assignment, and the airport operator may relieve any person appointed or designated, pursuant to the provisions of subsection (c) of this section, from his duty as an airport police officer, by filing a notice to such effect in the office in which such person's oath of office as an airport police officer was officially filed.

(e) The airport operator shall specify a uniform, badge or other indicia of authority to be worn by all airport police officers while on duty: Provided, That as to any airport police officer who is either a municipal police officer or deputy sheriff, the uniform, badge or other indicia of authority specified shall be the uniform, badge or other indicia of authority worn by such individual as a municipal police officer or deputy sheriff, as the case may be.

(f) Every airport police officer shall be trained in the use of firearms and shall, unless

otherwise provided by rules and regulations promulgated by the airport operator, carry a firearm at all times while on duty.

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§8-29B-5. Jurisdiction of airport police officers; insurance coverage; bonds.

(a) The following areas shall be under the jurisdiction of airport police officers:

- (1) Any area under the jurisdiction and control of the airport operator, or in connection with the airport;
- (2) Any property leased, operated, managed, utilized, or controlled by a regional airport authority; or
- (3) Any area upon which a regional airport authority facilitates training activities pursuant to a written agreement.

(b) The jurisdiction of airport police officers shall include any area entered into in pursuit of one or more individuals from one of the areas described in subsection (a) of this section.

(c) When exercising the jurisdiction authorized by this section, airport police officers shall have:

- (1) All of the power and authority which a regularly appointed deputy sheriff of a county in this state has in enforcing the criminal laws of this state;
- (2) Full power and authority to enforce any and all federal laws and rules and regulations relating to airports, air passengers, baggage inspection, the screening of air passengers, and other airport security measures;
- (3) Full power and authority to enforce any and all rules and regulations promulgated by the airport operator; and
- (4) The power to search persons, packages, containers, and baggage and the power to arrest persons: *Provided*, That the foregoing provisions of this section shall under no circumstances whatever be construed as in any way limiting the power and authority of a municipal police officer or deputy sheriff who has been assigned to serve as an airport police officer which he or she has by virtue of his or her being a municipal police officer or deputy sheriff, and under no circumstances whatever shall the assignment or appointment or designation of one or more airport police officers at an airport be deemed in any way to supersede or limit the power and authority of other peace officers to preserve law and order at such airport.

(d) Consistent with the provisions of §61-7-5 of this code, any municipal police officer or deputy sheriff assigned as an airport police officer pursuant to §8-29B-4(b) of this code, and (notwithstanding any provision of this code to the contrary) any person appointed or designated as an airport police officer pursuant to §8-29B-4(c) of this code, shall not be required to obtain a state license to carry a deadly weapon, as provided for in §61-7-2 of this code. Any municipal police officer or deputy sheriff assigned as an airport police officer pursuant to the provisions of §8-29B-4(b) of this code shall not be required to furnish any

bond under §61-7-5 of this code, other than the bond furnished thereunder as such municipal police officer or deputy sheriff.

(e) When one or more policies of public liability insurance are obtained providing insurance coverage for legal liability of an airport police officer for bodily injury, personal injury, or damage (including, but not limited to, false arrest and false imprisonment) and property damage, and affording said airport police officer insurance coverage against any and all legal liability arising from, growing out of, or by reason of, or in any way connected with, any acts or omissions of said airport police officer in the performance of his or her official duties, and so long as the coverage aforesaid remains in full force and effect as to such airport police officer, then the bond specified in §61-7-5 of this code shall not be required as to such airport police officer: *Provided*, That such bond shall otherwise be required and must be furnished.

§8-29B-6. Required security measures.

In addition to any and all other security measures which may be required by an airport operator, and unless otherwise provided by rules and regulations promulgated by such airport operator, at least one airport police officer must be present prior to, at the point of, and throughout the final passenger screening process prior to the boarding of an aircraft at an airport (other than a charter or commuter flight), and such police officer shall be present continuously until all doors on such aircraft being boarded are closed and such aircraft has taxied away from the boarding area. An airport police officer shall have the same duty and responsibility in the event such aircraft returns to the boarding area prior to takeoff.