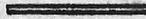


WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

SENATE BILL No. 88

(By Mr. Anderson)

PASSED March 9th 1939

In Effect From Passage



88A

ENROLLED
Senate Bill No. 88

(BY MR. ANDERSON)

[Passed March 9, 1939; in effect from passage.]

AN ACT to amend and reenact section eleven, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, relating to the powers of the superintendent and of the officers and members of the department of public safety.

Be it enacted by the Legislature of West Virginia:

That section eleven, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows :

Section 11. *Powers of Members.* The superintendent and
2 each of the officers and members of the department of public
3 safety are hereby authorized and empowered as follows :

4 (a) To make arrests anywhere within the confines of the
5 state of any and all persons charged with the violation of
6 any law of this state, or of the United States, and when a wit-
7 ness to the perpetration of any offense or crime, or to the vio-
8 lation of any law of this state, or of the United States, may
9 arrest without warrant; to arrest and detain any and all per-
10 sons suspected of the commission of any felony or misdemeanor
11 whenever complaint is made and a warrant is issued thereon
12 for such arrest, and any and all persons so arrested shall
13 be forthwith brought before the proper tribunal for exami-
14 nation and trial in the county where the offense for which any
15 such arrest has been made was committed;

16 (b) To serve criminal process issued by any court or justice
17 of the peace anywhere within this state: *Provided, however,*
18 That they shall not serve civil process;

19 (c) To cooperate with local authorities in detecting crime
20 and in apprehending any person or persons engaged in or
21 suspected of the commission of any crime, misdemeanor or
22 offense against the law of this state, or of the United States,
23 or of any ordinance of any municipality in this state; and to
24 take affidavits in connection with any application to the state

25 road commission of West Virginia for any license or certifi-
26 cate that may be lawfully issued by that commission ;

27 (d) Members of the department of public safety shall be
27a and are hereby created forest patrolmen, game and fish
28 wardens and deputy prohibition officers throughout the state
29 to do and perform any and all duties and exercise any and all
30 powers of such officers, and may apprehend and bring before
31 any court or justice of the peace having jurisdiction of such
32 matters, any one violating any of the provisions of chapters
33 twenty, sixty, and sixty-one of this code, and any and all
34 amendments thereto ; and the department of public safety shall
35 at any time be subject to the call of the commissioner of pro-
36 hibition to aid the prohibition department in apprehending
37 any person violating any of the provisions of said chapter
38 sixty. They shall serve and execute warrants for the arrest
39 of any person and warrants for the search of any premises
40 issued by any properly constituted authority, and shall exer-
41 cise all of the powers conferred by law upon a sheriff, con-
42 stable or any other peace officer of this state, except that
43 they shall not serve any civil process or exercise any of the
44 powers of such officers in matters of a civil nature ;

45 (e) Any member of the department of public safety knowing
46 or having reason to believe that any one has violated the
47 law may make complaint in writing before any court or officer
48 having jurisdiction and procure a warrant for such offender,
49 execute the same and bring such person before the proper
50 tribunal having jurisdiction. He shall make return on all such
51 warrants to such tribunals and his official title shall be "mem-
52 ber of the department of public safety." Members of the de-
53 partment of public safety may execute any summons or process
54 issued by any tribunal having jurisdiction requiring the at-
55 tendance of any person as a witness before such tribunal and
56 make return thereon as provided by law, and any return by
57 a member of the department of public safety showing the
58 manner of executing such warrant or process shall have the
59 same force and effect as if made by a sheriff;

60 (f) Each member of the department of public safety, when
61 called by the sheriff of any county, or when the governor by
62 proclamation so directs, shall have full power and authority
63 within such county, or within the territory defined by the
64 governor, to direct and command absolutely the assistance of
65 any sheriff, deputy sheriff, constable, chief of police, police-

66 man, town marshal, game and fish warden, deputy prohibition
 67 officer and any and every peace officer of the state, or of any
 68 county or municipality therein, or of any able-bodied citizen
 69 of the United States, to assist and aid in accomplishing the
 70 purposes expressed in this article. When so called, any officer
 71 or person shall, during the time his assistance is required, be
 72 and be considered to be, for all purposes, a member of the de-
 73 partment of public safety force and subject to all the pro-
 74 visions of this article.

I certify that the foregoing bill has been passed by the Senate and the House of Representatives and that it is in accordance with the provisions of the Constitution of the State of Michigan and that it is a public law without his approval.

This the _____ day of _____ 19____

[Handwritten signature]

 18____

