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 re-enacted to read as follows:

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

...
(a) To make arrests anywhere within the confines of the state of any and all persons charged with the violation of any law of this state, or of the United States, and when a witness to the perpetration of any offense or crime, or to the violation of any law of this state, or of the United States, may arrest without warrant; to arrest and detain any and all persons suspected of the commission of any felony or misdemeanor whenever complaint is made and a warrant is issued thereon for such arrest, and any and all persons so arrested shall be forthwith brought before the proper tribunal for examination and trial in the county where the offense for which any such arrest has been made was committed;

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

(c) To cooperate with local authorities in detecting crime and in apprehending any person or persons engaged in or suspected of the commission of any crime, misdemeanor or offense against the law of this state, or of the United States, or of any ordinance of any municipality in this state; and to take affidavits in connection with any application to the state
road commission of West Virginia for any license or certificate that may be lawfully issued by that commission;

(d) Members of the department of public safety shall be and are hereby created forest patrolmen, game and fish wardens and deputy prohibition officers throughout the state to do and perform any and all duties and exercise any and all powers of such officers, and may apprehend and bring before any court or justice of the peace having jurisdiction of such matters, any one violating any of the provisions of chapters twenty, sixty, and sixty-one of this code, and any and all amendments thereto; and the department of public safety shall at any time be subject to the call of the commissioner of prohibition to aid the prohibition department in apprehending any person violating any of the provisions of said chapter sixty. They shall serve and execute warrants for the arrest of any person and warrants for the search of any premises issued by any properly constituted authority, and shall exercise all of the powers conferred by law upon a sheriff, constable or any other peace officer of this state, except that they shall not serve any civil process or exercise any of the powers of such officers in matters of a civil nature;
(e) Any member of the department of public safety knowing or having reason to believe that any one has violated the law may make complaint in writing before any court or officer having jurisdiction and procure a warrant for such offender, execute the same and bring such person before the proper tribunal having jurisdiction. He shall make return on all such warrants to such tribunals and his official title shall be "member of the department of public safety." Members of the department of public safety may execute any summons or process issued by any tribunal having jurisdiction requiring the attendance of any person as a witness before such tribunal and make return thereon as provided by law, and any return by a member of the department of public safety showing the manner of executing such warrant or process shall have the same force and effect as if made by a sheriff;

(f) Each member of the department of public safety, when called by the sheriff of any county, or when the governor by proclamation so directs, shall have full power and authority within such county, or within the territory defined by the governor, to direct and command absolutely the assistance of any sheriff, deputy sheriff, constable, chief of police, police-
man, town marshal, game and fish warden, deputy prohibition
officer and any and every peace officer of the state, or of any
county or municipality therein, or of any able-bodied citizen
of the United States, to assist and aid in accomplishing the
purposes expressed in this article. When so called, any officer
or person shall, during the time his assistance is required, be
and be considered to be, for all purposes, a member of the de-
partment of public safety force and subject to all the pro-
visions of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 17th day of March, 1939.

Secretary of State