

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

244

ENROLLED

SENATE BILL NO. 244

(By Mr. Carson, Mr. President & Mr. Carrigan)

PASSED March 10th 1961

In Effect from Passage



Filed in Office of the Secretary of State
of West Virginia MAR 17 1961

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 244

(By MR. CARSON, MR. PRESIDENT, and MR. CARRIGAN)

[Passed March 10, 1961; in effect from passage.]

AN ACT to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article designated article eight, relating to creating a West Virginia sheriffs' bureau; providing powers and duties therefor, and providing penalties.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article designated article eight, to read as follows:

Article 7. West Virginia Sheriffs' Bureau.

Section 1. *West Virginia Sheriffs' Bureau.*—For the
2 purpose of providing better law enforcement for our

3 counties and state and to effectuate better law enforce-
4 ment on our highways, there is hereby created the West
5 Virginia sheriffs' bureau. Said bureau shall be consti-
6 tuted by the governor, as chairman, the attorney general
7 and five sheriffs of the counties of West Virginia, to be
8 selected by the governor, each for a term of two years,
9 commencing July first, one thousand nine hundred sixty-
10 one; except that three of the first five sheriffs designated
11 July first, one thousand nine hundred sixty-one, shall
12 serve terms expiring July first, one thousand nine hun-
13 dred sixty-two, at which time new selections for a regular
14 two-year term shall be made. Any vacancy on the bureau
15 shall be filled for the remainder of the unexpired term by
16 selection of the governor.

Sec. 2. *General Powers and Duties.*—The bureau shall
2 have the power to contract and be contracted with, to
3 recommend cooperative policies for the coordination of
4 the law enforcement work of county agencies and county
5 officials having law enforcement duties, in seeking to
6 promote cooperation between all state and local law
7 officers, in securing efficient and effective law enforce-

8 ment, in eliminating duplication of work, and in pro-
9 moting economy of operation in such agencies through
10 the central purchase of supplies and equipment for all
11 local law enforcement agencies. The bureau is authorized
12 to accept contributions from counties but it shall neither
13 solicit nor accept contributions from persons, firms or
14 corporations.

Sec. 3. *Executive Secretary.*—The bureau shall employ
2 an executive secretary, and such other clerical and tech-
3 nical personnel as are required, at salaries to be fixed
4 within available funds by the bureau, to perform such
5 duties as the bureau may prescribe.

Sec. 4. *Training of Peace Officers Approved by the Bu-*
2 *reau; Bureau Authorized to Order Training.*—The bureau
3 may contract or agree with any state university or college
4 in West Virginia or any other organization for such uni-
5 versity, college or other organization to provide training
6 for peace officers, which training shall embrace police
7 techniques in detecting crime, apprehending criminals,
8 securing and preserving evidence. All law enforcement
9 officers selected by the various law enforcement agencies,

10 if their selection is approved by the bureau, shall receive
11 such training free with the exception of actual cost of
12 housing and meals.

13 The county courts are authorized to pay the necessary
14 travel and living expenses of sheriffs and deputies of their
15 respective counties while receiving training.

Sec. 5. *Purchase of Equipment and Supplies; Facilities*
2 *of Other State Agencies to be Available to Bureau.*—The
3 bureau shall be governed by all laws regulating the pur-
4 chase of supplies and equipment as other state agencies,
5 and may enter into contracts with other state agencies.
6 The bureau may use the facilities of the state department
7 of purchases and avail itself of the benefits of any general
8 contract held by said department for the purchase of any
9 equipment or supplies for state agencies.

10 All equipment purchased through the bureau shall be
11 in the name of the bureau and the bureau is authorized
12 to contract with counties, sheriffs or deputy sheriffs for
13 the return of any supplies or equipment purchased from
14 funds contributed to the fund by each such county, sheriff
15 or deputy sheriff upon request.

Sec. 6. *Sheriffs; Motor Vehicle Color Combination;*

2 *Badges; Uniforms; Simulation Prohibited; Penalties.—*

3 (1) The bureau may by proper rules and regulations
4 adopt a standard color for use on the motor vehicles used
5 by the various sheriffs and deputy sheriffs of West Vir-
6 ginia.

7 (2) For purposes of uniformity the bureau may estab-
8 lish a standard badge and uniform to be worn by all
9 sheriffs and deputy sheriffs.

10 (3) On and after the first day of January, nineteen
11 hundred sixty-five, it shall be unlawful for any sheriff or
12 deputy sheriff to wear other than standard uniform and
13 badge as provided by the preceding paragraph, except
14 when engaged in undercover work or other similar duties
15 wherein the identity of the officer should be undisclosed.
16 When so adopted by the bureau it shall be unlawful for
17 any person other than sheriffs and deputy sheriffs to wear
18 an official sheriff's badge or uniform as prescribed by the
19 bureau, or to wear a badge or insignia of such similarity
20 to the official sheriff's badge as to be indistinguishable
21 therefrom at a distance of twenty feet: *Provided, That*

22 nothing herein shall be construed to prevent members of
23 any military, fraternal, or similar organization or any
24 other law enforcement officer from wearing any insignia
25 officially adopted or worn prior to the effective date of
26 this section.

27 (4) Violation of any of the provisions of this section
28 shall be a misdemeanor and subject to a fine of not more
29 than five hundred dollars or imprisonment in the county
30 jail not to exceed six months, or both such fine and im-
31 prisonment.

Sec. 7. *Sheriffs' Bureau Special Fund.*—The West Vir-
2 ginia sheriffs' bureau is authorized, empowered, and di-
3 rected to establish in the state treasury a special fund to
4 be known as "the West Virginia sheriffs' bureau special
5 fund", hereinafter referred to as "the fund". The fund
6 shall be only for the purpose of purchasing equipment and
7 supplies at the request of the various sheriffs' depart-
8 ments of the state of West Virginia, or the counties of
9 the state of West Virginia, and any balance in the fund
10 at the end of any fiscal year shall remain in the fund and
11 shall not expire or revert. Payments shall be made out

12 of the fund upon requisition of the secretary of the
13 bureau by means of a warrant signed by the auditor and
14 treasurer.

Sec. 8. *Payments Into Sheriffs' Bureau Fund.*—The
2 fund shall consist of payments made into the fund by any
3 county of the state of West Virginia, by any sheriff or
4 deputy sheriff of any county in the state of West Virginia,
5 for the purchase of equipment or supplies for any county,
6 sheriff or deputy sheriff in the state of West Virginia:
7 *Provided, however,* That when the use of the fund is
8 requested by a county, sheriff or deputy sheriff, satis-
9 factory proof must be supplied to and required by the
10 bureau that such supplies and equipment are to be used
11 primarily for a public purpose.

Sec. 9. *Payments From Sheriffs' Bureau Fund.*—On
2 proper authorization by the secretary of the bureau and
3 under proper rules and regulations of the bureau, pay-
4 ments shall be made from the fund to cover the cost of
5 any supplies or equipment requested by any county,
6 sheriff, or deputy sheriff to be purchased for said county,

7 sheriff or deputy sheriff by the bureau: *Provided, how-*
8 *ever,* That the secretary shall not be authorized to pur-
9 chase or contract for purchase any supplies or equipment
10 for any county, sheriff or deputy sheriff until that county,
11 sheriff or deputy sheriff has a sufficient balance in the
12 fund to fully cover the cost of such purchase.

Sec. 10. *Misuse of the Fund, Penalties.*—It shall be
2 unlawful for any person authorized to purchase through
3 the fund to use any equipment or supplies primarily for
4 his personal use and, upon conviction shall be fined not
5 less than one hundred nor more than five hundred dollars,
6 or imprisoned in the county jail not exceeding one year,
7 or both in the discretion of the court.

Sec. 11. *County Courts Contribution to Fund.*—In addi-
2 tion to the provisions of chapter seven, article seven, sec-
3 tion seven of this code, the county court may pay on
4 requisition of the sheriff of the county, at the first of each
5 month, a reasonable amount sufficient to cover the cost
6 of purchase of gasoline necessary to meet the needs of
7 the duties of sheriff and deputies of the county.

Sec. 12. *Tax Exemption.*—Any supplies or equipment
2 purchased by the bureau through its special fund shall
3 be exempt from any taxes of the state of West Virginia.

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

James Davis, Jr.
Chairman Senate Committee

Mrs. H. H. Withrow
Chairman House Committee

Originated in the Senate

Takes effect *from* passage.

Harvey Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within *approved* this the *17th*
day of *March*, 1961.

Wm. Barr
Governor



Filed in Office of the Secretary of State
of West Virginia **MAR 17 1961**
JOE F. BURDETT
SECRETARY OF STATE