WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

HOUSE BILL No. 586

(By Mr. Bociansky)

PASSED February 4, 1969

In Effect Ninety days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-18-69
AN ACT to amend and reenact section eleven, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to powers of the superintendent, 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, as amended, be amended and reenacted to read as follows:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.


1 The superintendent and each of the officers and mem-
bers 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, except 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 munici-
pality in this state; and to take affidavits in connection
with any application to the state road commission, de-
partment of motor vehicles and department of public
safety of West Virginia for any license, permit or certifi-
cate that may be lawfully issued by these departments
of state government;

(d) Members of the department of public safety shall
be and are hereby created forest patrolmen and game
and fish wardens through 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, anyone violating any of the provisions of chap-
ters 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
West Virginia alcohol beverage control commissioner to
aid 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 war-
arrants for the search of any premises issued by any prop-
erly 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 anyone 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 be-
fore 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 terri-
tory defined by the governor, to direct and command
absolutely the assistance of any sheriff, deputy sheriff,
constable, chief of police, policeman, town marshal, game
and fish warden, 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 department of
public safety force and subject to all the provisions of
this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tom pur
Chairman Senate Committee

Clayton A. Danielson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Frank Hoge
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ray De Lay
President of the Senate

Owen T. Perry
Speaker House of Delegates

The within is approved this the 6th day of February, 1969.

Arch A. Throne Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 2/6/69

Time 1:40 p.m.