

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 586

(By Mr. Speaker, Mr. Bozinsky)



PASSED February 4, 1969

In Effect Ninety days from Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE

THIS DATE 2-13-69

# 586

**ENROLLED**  
**House Bill No. 586**

(By MR. SPEAKER, MR. BOIARSKY)

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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.**

**§15-2-11. Powers of superintendent, officers and members.**

1 The superintendent and each of the officers and mem-

2 bers of the department of public safety are hereby auth-  
3 orized and empowered as follows:

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

17 (b) To serve criminal process issued by any court  
18 or justice of the peace anywhere within this state, ex-  
19 cept that they shall not serve civil process;

20 (c) To cooperate with local authorities in detecting  
21 crime and in apprehending any person or persons en-  
22 gaged in or suspected of the commission of any crime,

23 misdemeanor or offense against the law of this state, or  
24 of the United States, or of any ordinance of any munici-  
25 pality in this state; and to take affidavits in connection  
26 with any application to the state road commission, de-  
27 partment of motor vehicles and department of public  
28 safety of West Virginia for any license, permit or certifi-  
29 cate that may be lawfully issued by these departments  
30 of state government; .

31 (d) Members of the department of public safety shall  
32 be and are hereby created forest patrolmen and game  
33 and fish wardens through the state to do and perform  
34 any and all duties and exercise any and all powers of  
35 such officers, and may apprehend and bring before any  
36 court or justice of the peace having jurisdiction of such  
37 matters, anyone violating any of the provisions of chap-  
38 ters twenty, sixty and sixty-one of this code, and any and  
39 all amendments thereto; and the department of public  
40 safety shall at any time be subject to the call of the  
41 West Virginia alcohol beverage control commissioner to  
42 aid in apprehending any person violating any of the  
43 provisions of said chapter sixty. They shall serve and

44 execute warrants for the arrest of any person and war-  
45 rants for the search of any premises issued by any prop-  
46 erly constituted authority, and shall exercise all of the  
47 powers conferred by law upon a sheriff, constable or any  
48 other peace officer of this state, except that they shall  
49 not serve any civil process or exercise any of the powers  
50 of such officers in matters of a civil nature;

51 (e) Any member of the department of public safety  
52 knowing or having reason to believe that anyone has  
53 violated the law may make complaint in writing before  
54 any court or officer having jurisdiction and procure  
55 a warrant for such offender, execute the same and  
56 bring such person before the proper tribunal having  
57 jurisdiction. He shall make return on all such warrants  
58 to such tribunals and his official title shall be "member  
59 of the department of public safety." Members of the  
60 department of public safety may execute any summons  
61 or process issued by any tribunal having jurisdiction  
62 requiring the attendance of any person as a witness be-  
63 fore such tribunal and make return thereon as provided  
64 by law, and any return by a member of the department

65 of public safety showing the manner of executing such  
66 warrant or process shall have the same force and effect  
67 as if made by a sheriff;

68 (f) Each member of the department of public safety,  
69 when called by the sheriff of any county, or when the  
70 governor by proclamation so directs, shall have full power  
71 and authority within such county, or within the terri-  
72 tory defined by the governor, to direct and command  
73 absolutely the assistance of any sheriff, deputy sheriff,  
74 constable, chief of police, policeman, town marshal, game  
75 and fish warden, and any and every peace officer of the  
76 state, or of any county or municipality therein, or of any  
77 able-bodied citizen of the United States, to assist and aid  
78 in accomplishing the purposes expressed in this article.  
79 When so called, any officer or person shall, during the  
80 time his assistance is required, be and be considered to  
81 be, for all purposes, a member of the department of  
82 public safety force and subject to all the provisions of  
83 this article.

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

*William Tompoe*  
Chairman Senate Committee

*Clayton A. Davidson*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard Meese*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Ray Desjard*  
President of the Senate

*Gov. F. Dancy*  
Speaker House of Delegates

The within *is approved* this the *6<sup>th</sup>*  
day of *February*, 1969.

*Arch. A. Shouse, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/6/69

Time 1:40 am.

RECEIVED

FEB 13 3 04 PM '69

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA