

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

Com. Sub. for  
SENATE BILL NO. 70

(By Mr. Martin, original sponsor)

PASSED Feb. 17 1969

In Effect Ninety days from Passage

#70

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

THIS DATE 2-21-69

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 70**  
(MR. MARTIN, *original sponsor*)

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[Passed February 17, 1969; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one and twenty-nine, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the department of public safety, the superintendent of such department, the location of the headquarters of such department, the criminal identification bureau of such department, and the release of the records of such bureau.

*Be it enacted by the Legislature of West Virginia:*

That sections one and twenty-nine, 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.**

**§15-2-1. Superintendent; department; headquarters.**

1 The department of public safety, heretofore established,  
2 shall be continued. The executive and administrative  
3 head of the department shall be a superintendent, who  
4 shall be appointed by the governor by and with the advice  
5 and consent of the Senate. The superintendent shall be  
6 entitled to all rights, benefits and privileges of regularly  
7 enlisted members. The superintendent shall be, on the  
8 date of his appointment, at least thirty years of age. He  
9 shall, before entering upon the discharge of the duties of  
10 his office, execute a bond in the penalty of ten thousand  
11 dollars, with security thereon, payable to the state of  
12 West Virginia and conditioned for the faithful perform-  
13 ance of his duties. Such bond both as to form and security  
14 shall be approved by the board of public works. Before  
15 entering upon the duties of his office the superintendent  
16 shall subscribe to the oath hereinafter provided.

17 The headquarters of the department, hereinafter re-  
18 ferred to in this article as departmental headquarters,  
19 shall be located in Kanawha county, and suitable and  
20 adequate offices for such purpose shall be provided.

**§15-2-29. Criminal identification bureau; establishment; officer in charge; purpose; fingerprints, photographs, records and other information.**

1 (a) The superintendent of the department of public  
2 safety shall establish, equip and maintain at the depart-  
3 mental headquarters a criminal identification bureau, for  
4 the purpose of receiving and filing fingerprints, photo-  
5 graphs, records and other information pertaining to the  
6 investigation of crime and the apprehension of criminals,  
7 as hereinafter provided. The superintendent shall ap-  
8 point or designate a regularly enlisted member of the  
9 department as officer in charge of the criminal identifica-  
10 tion bureau and such officer shall be responsible to the  
11 superintendent for the affairs of the bureau. Members of  
12 the department assigned to the criminal identification  
13 bureau shall carry out their duties and assignments in  
14 accordance with internal management rules and regula-  
15 tions pertaining thereto promulgated by the superin-  
16 tendent.

17 (b) The criminal identification bureau shall cooperate  
18 with identification bureaus of other states and of the

19 United States to develop and carry on a complete inter-  
20 state, national and international system of criminal iden-  
21 tification.

22 (c) The criminal identification bureau may furnish  
23 fingerprints, photographs, records or other information to  
24 authorized law enforcement and governmental agencies  
25 of the United States and its territories, of foreign coun-  
26 tries duly authorized to receive the same, of other states  
27 within the United States and of the state of West Vir-  
28 ginia upon proper request stating that the fingerprints,  
29 photographs, records or other information requested are  
30 necessary in the interest of and will be used solely in the  
31 administration of official duties and the criminal laws.

32 (d) The criminal identification bureau may furnish,  
33 with the approval of the superintendent, fingerprints,  
34 photographs, records or other information to any private  
35 or public agency, person, firm, association, corporation  
36 or other organization, other than a law enforcement or  
37 governmental agency as to which the provisions of sub-  
38 section (c) of this section shall govern and control, but  
39 all requests under the provisions of this subsection (d)

40 for such fingerprints, photographs, records or other in-  
41 formation must be accompanied by a written authoriza-  
42 tion signed and acknowledged by the person whose finger-  
43 prints, photographs, records or other information is to be  
44 released.

45 (e) The criminal identification bureau may furnish  
46 fingerprints, photographs, records and other information  
47 of persons arrested or sought to be arrested in this state  
48 to the identification bureau of the United States govern-  
49 ment and to other states for the purpose of aiding law  
50 enforcement.

51 (f) Persons in charge of any penal or correctional insti-  
52 tution including any city or county jail in this state shall  
53 take, or cause to be taken, the fingerprints and description  
54 of all persons lawfully committed thereto or confined  
55 therein and furnish the same in duplicate to the criminal  
56 identification bureau, department of public safety. Such  
57 fingerprints shall be taken on forms approved by the sup-  
58 erintendent of the department of public safety. All such  
59 officials as herein named may, when possible to do so,

60 furnish photographs to the criminal identification bureau  
61 of such persons so fingerprinted.

62 (g) Members of the department of public safety, and  
63 all other state law enforcement officials, sheriffs, deputy  
64 sheriffs, constables, and each and every peace officer in  
65 this state, shall take or cause to be taken the fingerprints  
66 and description of all persons arrested or detained by  
67 them, charged with any crime or offense in this state, in  
68 which the penalty provided therefor is confinement in any  
69 penal or correctional institution, or of any person who they  
70 have reason to believe is a fugitive from <sup>JUSTICE</sup>~~peace~~ or an habit-  
71 ual criminal, and furnish the same in duplicate to the crim-  
72 inal identification bureau, department of public safety, on  
73 forms approved by the superintendent of said department  
74 of public safety. All such officials as herein named may,  
75 when possible to do so, furnish to the criminal identifica-  
76 tion bureau, photographs of such persons so fingerprinted.  
77 The arresting officer shall submit to the criminal identifi-  
78 cation bureau, in duplicate, a report of final disposition  
79 concerning any case held for court, or in any case in which  
80 the disposition thereof has not been previously furnished

*Justice*  
*Q. J. M.*

81 to said bureau (on the fingerprint record of the person ar-  
82 rested). Such report of final disposition shall be made on  
83 forms furnished or approved by the superintendent of the  
84 department of public safety.

85 (h) Any person who has been fingerprinted or photo-  
86 graphed in accordance with the provisions of this section,  
87 who is acquitted of the charges upon which he or she  
88 was arrested, and who has no previous criminal record,  
89 may, upon the presentation of satisfactory proof to the  
90 superintendent of the department of public safety, have  
91 such fingerprints or photographs, or both, returned to  
92 them.

93 (i) Neglect or refusal of any person mentioned in this  
94 section to make the report required herein, or to do or  
95 perform any act on his or her part to be done or performed  
96 in connection with the operation of this section, shall  
97 constitute a misdemeanor, and such person shall, upon  
98 conviction thereof, be punished by a fine of not less than  
99 twenty-five nor more than two hundred dollars, or by  
100 imprisonment in the county jail for a period of not ex-  
101 ceeding sixty days, or both, in the discretion of the court.

102 Such neglect shall constitute misfeasance in office and  
103 subject such person to removal from office. Any person  
104 who wilfully removes, destroys, or mutilates any of the  
105 fingerprints, photographs, records or other information of  
106 the department of public safety, shall be guilty of a  
107 misdemeanor, and such person shall, upon conviction  
108 thereof, be punished by a fine not exceeding one hundred  
109 dollars, or by imprisonment in the county jail for a period  
110 of not exceeding six months, or by both, in the discretion  
111 of the court.

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

William Tompos  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Myer  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Lyndon B. Johnson  
President of the Senate

Sam Rayburn  
Speaker House of Delegates

The within is approved this the 20<sup>th</sup>  
day of February, 1969.

Orval Faubus Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/20/69

Time 9:35 a.m.

REC'D  
FEB 21 1 05 PM '69  
OFFICE OF  
SECRETARY OF STATE  
ALBANY, N.Y.

6-11-69