WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

Senator for Senate Bill No. 70

(By Mr.)

PASSED Feb. 17, 1969

In Effect...
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.

(a) The superintendent of the department of public safety shall establish, equip and maintain at the departmental headquarters a criminal identification bureau, for the purpose of receiving and filing fingerprints, photographs, records and other information pertaining to the investigation of crime and the apprehension of criminals, as hereinafter provided. The superintendent shall appoint or designate a regularly enlisted member of the department as officer in charge of the criminal identification bureau and such officer shall be responsible to the superintendent for the affairs of the bureau. Members of the department assigned to the criminal identification bureau shall carry out their duties and assignments in accordance with internal management rules and regulations pertaining thereto promulgated by the superintendent.

(b) The criminal identification bureau shall cooperate with identification bureaus of other states and of the
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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)
for such fingerprints, photographs, records or other inform-
information must be accompanied by a written authoriza-
tion signed and acknowledged by the person whose finger-
prints, photographs, records or other information is to be
released.

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

(f) Persons in charge of any penal or correctional insti-
tution including any city or county jail in this state shall
take, or cause to be taken, the fingerprints and description
of all persons lawfully committed thereto or confined
therein and furnish the same in duplicate to the criminal
identification bureau, department of public safety. Such
fingerprints shall be taken on forms approved by the super-
erintendent of the department of public safety. All such
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 peace or an habitual
71 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
to said bureau (on the fingerprint record of the person arrested). Such report of final disposition shall be made on forms furnished or approved by the superintendent of the department of public safety.

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

(i) Neglect or refusal of any person mentioned in this section to make the report required herein, or to do or perform any act on his or her part to be done or performed in connection with the operation of this section, shall constitute a misdemeanor, and such person shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail for a period of not exceeding sixty days, or both, in the discretion of the court.
Such neglect shall constitute misfeasance in office and subject such person to removal from office. Any person who wilfully removes, destroys, or mutilates any of the fingerprints, photographs, records or other information of the department of public safety, shall be guilty of a misdemeanor, and such person shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a period of not exceeding six months, or by both, in the discretion of the court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompum  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 20th day of February, 1969.

Governor
PRESENTED TO THE GOVERNOR

Date 2/20/69
Time 9:35 a.m.