WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 1014

(By Mr. Sparacino)

PASSED MARCH 5, 1971

In Effect NINETY DAYS FROM Passage
AN ACT to amend and reenact section twenty-nine, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the criminal identification bureau of the department of public safety and providing penalties.

Be it enacted by the Legislature of West Virginia:

That section 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.

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

1 (a) The superintendent of the department of public safety shall establish, equip and maintain at the depart-
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mental headquarters a criminal identification bureau, for
the purpose of receiving and filing fingerprints, photo-
graphs, 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. Mem-
bers of the department assigned to the criminal identi-
fication bureau shall carry out their duties and assign-
ments in accordance with internal management rules and
regulations pertaining thereto promulgated by the su-
perintendent.

(b) The criminal identification bureau shall cooperate with identification bureaus of other states and of the
United States to develop and carry on a complete inter-
state, national and international system of criminal identi-
fication.

(c) The criminal identification bureau may furnish
fingerprints, photographs, records or other information
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to authorized law-enforcement and governmental agencies

of the United States and its territories, of foreign coun-
tries duly authorized to receive the same, of other states

within the United States and of the state of West Vir-
ginia upon proper request stating that the fingerprints,
photographs, records or other information requested are
necessary in the interest of and will be used solely in the
administration of official duties and the criminal laws.

(d) The criminal identification bureau may furnish,
with the approval of the superintendent, fingerprints,
photographs, records or other information to any private
or public agency, person, firm, association, corporation or
other organization, other than a law-enforcement or gov-
ernmental agency as to which the provisions of sub-
section (c) of this section shall govern and control, but

all requests under the provisions of this subsection (d)
for such fingerprints, photographs, records or other in-
formation must be accompanied by a written authoriza-
tion signed and acknowledged by the person whose
fingerprints, 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 government and to other states for the purpose of aiding law enforcement.

(f) Persons in charge of any penal or correctional institution 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 superintendent of the department of public safety. All such officials as herein named may, when possible to do so, furnish photographs to the criminal identification bureau of such persons so fingerprinted.

(g) Members of the department of public safety, and all other state law-enforcement officials, sheriffs, deputy sheriffs, constables, and each and every peace officer in this state, shall take or cause to be taken the fingerprints
and description of all persons arrested or detained by them, charged with any crime or offense in this state, in which the penalty provided therefor is confinement in any penal or correctional institution, or of any person who they have reason to believe is a fugitive from justice or an habitual criminal, and furnish the same in duplicate to the criminal identification bureau, department of public safety, on forms approved by the superintendent of said department of public safety. All such officials as herein named may, when possible to do so, furnish to the criminal identification bureau, photographs of such persons so fingerprinted. The arresting officer shall submit to the criminal identification bureau, in duplicate, a report of final disposition concerning any case held for court, or in any case in which 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 photo-
graphed 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) All state, county and municipal law-enforcement agencies shall submit to the bureau uniform crime reports setting forth their activities in connection with law enforcement. It shall be the duty of the bureau to adopt and promulgate rules and regulations prescribing the form, general content, time and manner of submission of such uniform crime reports. Wilful or repeated failure by any state, county or municipal law-enforcement official to submit the uniform crime reports required by this article shall constitute neglect of duty in public office. The bureau shall correlate the reports submitted to it and shall compile and submit to the governor and the Legislature semiannual reports based on such reports. A copy of such reports shall be furnished to all prosecuting attorneys and law-enforcement agencies.
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 fined 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.

[Signatures]

Chairman Senate Committee

[Signature]

Chairman House Committee

Originated in the House.

In effect ninety days from passage.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

The within approved this the 18th day of March, 1971.

[Signature]

Governor