

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1014

(By Mr. SPARACINO)



PASSED MARCH 5, 1971

In Effect NINETY DAYS FROM Passage



1014

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-15-71

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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
- 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
6 the investigation of crime and the apprehension of
7 criminals, as hereinafter provided. The superintendent
8 shall appoint or designate a regularly enlisted member
9 of the department as officer in charge of the criminal
10 identification bureau and such officer shall be responsible
11 to the superintendent for the affairs of the bureau. Mem-
12 bers of the department assigned to the criminal identi-
13 fication bureau shall carry out their duties and assign-
14 ments in accordance with internal management rules and
15 regulations pertaining thereto promulgated by the su-
16 perintendent.

17 (b) The criminal identification bureau shall cooper-
18 ate 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 identi-
21 fication.

22 (c) The criminal identification bureau may furnish
23 fingerprints, photographs, records or other information

24 to 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 or
36 other organization, other than a law-enforcement or gov-
37 ernmental 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
43 fingerprints, photographs, records or other information
44 is to be 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
52 institution including, any city or county jail, in this
53 state shall take, or cause to be taken, the fingerprints
54 and description of all persons lawfully committed thereto
55 or confined therein and furnish the same in duplicate
56 to the criminal identification bureau, department of public
57 safety. Such fingerprints shall be taken on forms ap-
58 proved by the superintendent of the department of pub-
59 lic safety. All such officials as herein named may, when
60 possible to do so, furnish photographs to the criminal
61 identification bureau 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,
68 in which the penalty provided therefor is confinement
69 in any penal or correctional institution, or of any per-
70 son who they have reason to believe is a fugitive from
71 justice or an habitual criminal, and furnish the same in
72 duplicate to the criminal identification bureau, depart-
73 ment of public safety, on forms approved by the super-
74 intendent of said department of public safety. All such
75 officials as herein named may, when possible to do so,
76 furnish to the criminal identification bureau, photographs
77 of such persons so fingerprinted. The arresting officer
78 shall submit to the criminal identification bureau, in
79 duplicate, a report of final disposition concerning any case
80 held for court, or in any case in which the disposition
81 thereof has not been previously furnished to said bureau
82 (on the fingerprint record of the person arrested). Such
83 report of final disposition shall be made on forms fur-
84 nished or approved by the superintendent of the depart-
85 ment of public safety.

86 (h) Any person who has been fingerprinted or photo-

87 graphed in accordance with the provisions of this sec-
88 tion, who is acquitted of the charges upon which he or
89 she was arrested, and who has no previous criminal
90 record, may, upon the presentation of satisfactory proof
91 to the superintendent of the department of public safety,
92 have such fingerprints or photographs, or both, returned
93 to them.

94 (i) All state, county and municipal law-enforcement
95 agencies shall submit to the bureau uniform crime reports
96 setting forth their activities in connection with law
97 enforcement. It shall be the duty of the bureau to adopt
98 and promulgate rules and regulations prescribing the
99 form, general content, time and manner of submission
100 of such uniform crime reports. Wilful or repeated failure
101 by any state, county or municipal law-enforcement official
102 to submit the uniform crime reports required by this
103 article shall constitute neglect of duty in public office.
104 The bureau shall correlate the reports submitted to it
105 and shall compile and submit to the governor and the
106 Legislature semiannual reports based on such reports. A
107 copy of such reports shall be furnished to all prosecuting
108 attorneys and law-enforcement agencies.

109 (j) Neglect or refusal of any person mentioned in
110 this section to make the report required herein, or to
111 do or perform any act on his or her part to be done
112 or performed in connection with the operation of this
113 section, shall constitute a misdemeanor, and such per-
114 son shall, upon conviction thereof, be punished by a
115 fine of not less than twenty-five nor more than two hun-
116 dred dollars, or by imprisonment in the county jail for
117 a period of not exceeding sixty days, or both, in the
118 discretion of the court. Such neglect shall constitute
119 misfeasance in office and subject such person to removal
120 from office. Any person who wilfully removes, destroys,
121 or mutilates any of the fingerprints, photographs, records
122 or other information of the department of public safety,
123 shall be guilty of a misdemeanor, and such person shall,
124 upon conviction thereof, be punished by a fine not ex-
125 ceeding one hundred dollars, or by imprisonment in the
126 county jail for a period of not exceeding six months, or
127 by both, in the discretion of the court.

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

Russell M. Buss
Chairman Senate Committee

Phyllis Rietledge
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

Howard Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Ed Spout
President of the Senate

Nov F. Briansky
Speaker House of Delegates

The within *approved* this the *12th*
day of *March*, 1971.

Archa Starnes Jr.
Governor



PRESENTED TO THE
GOVERNOR

RECEIVED

Date 3/9/71

Time 1:45 p.m.

MAR 15 10 03 AM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA