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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 170

(By Mr. BROTHERTON)

PASSED MARCH 8 1972

In Effect 90 Days FROM Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
H.S. DATE 3-28-72

170

ENROLLED
Senate Bill No. 170

(By MR. BROTHERTON)

[Passed March 8, 1972; 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; requiring the various courts, clerks thereof, justices, mayors and prosecutors to furnish certain information to such bureau; and providing for offenses and penalties therefor.

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 by courts and prosecuting attorneys; 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 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

12 of the department assigned to the criminal identification
13 bureau shall carry out their duties and assignments
14 in accordance with internal management rules and
15 regulations pertaining thereto promulgated by the super-
16 intendent.

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
21 identification.

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
27 states within the United States and of the state of West
28 Virginia upon proper request stating that the finger-
29 prints, photographs, records or other information re-
30 quested are necessary in the interest of and will be used
31 solely in the administration of official duties and the
32 criminal laws.

33 (d) The criminal identification bureau may furnish,
34 with the approval of the superintendent, fingerprints,
35 photographs, records or other information to any private
36 or public agency, person, firm, association, corporation
37 or other organization, other than a law-enforcement or
38 governmental agency as to which the provisions of sub-
39 section (c) of this section shall govern and control, but
40 all requests under the provisions of this subsection (d)
41 for such fingerprints, photographs, records or other in-
42 formation must be accompanied by a written authoriza-
43 tion signed and acknowledged by the person whose finger-
44 prints, photographs, records or other information is to be
45 released.

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

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

63 (g) Members of the department of public safety, and all
64 other state law-enforcement officials, sheriffs, deputy sher-
65 iffs, constables, and each and every peace officer in this
66 state, shall take or cause to be taken the fingerprints and
67 description of all persons arrested or detained by them,
68 charged with any crime or offense in this state, in which
69 the penalty provided therefor is confinement in any penal
70 or correctional institution, or of any person who they have
71 reason to believe is a fugitive from justice or an habitual
72 criminal, and furnish the same in duplicate to the criminal
73 identification bureau, department of public safety, on
74 forms approved by the superintendent of said department
75 of public safety. All such officials as herein named may,
76 when possible to do so, furnish to the criminal identifica-
77 tion bureau, photographs of such persons so fingerprinted.
78 For the purpose of obtaining data for the preparation and
79 submission to the governor and the Legislature by the de-
80 partment of public safety of an annual statistical report
81 on crime conditions in the state, the clerk of any court
82 of record, the justice of any justice court and the mayor
83 or clerk of any municipal court before which a person
84 appears on any criminal charge shall report to the criminal
85 identification bureau the sentence of the court or other
86 disposition of the charge and the prosecuting attorney of
87 every county shall report to the criminal identification
88 bureau such additional information as the bureau may
89 require for such purpose, and all such reports shall be
90 on forms prepared and distributed by the department

91 of public safety, shall be submitted monthly and shall
92 cover the period of the preceding month.

93 (h) Any person who has been fingerprinted or photo-
94 graphed in accordance with the provisions of this section,
95 who is acquitted of the charges upon which he or she was
96 arrested, and who has no previous criminal record, may,
97 upon the presentation of satisfactory proof to the super-
98 intendent of the department of public safety, have such
99 fingerprints or photographs, or both, returned to them.

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

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

131 dollars, or by imprisonment in the county jail for a
132 period of not exceeding six months, or by both, in the
133 discretion of the court.


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


Chairman Senate Committee



Chairman House Committee

Originated in the Senate.


To take effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within  this the 15th
day of March, 1972.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/11/72
Time 6:20 p.m.