WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
Committee Substitute for
HOUSE BILL No. 615

(By Mrs. Smith and Mr. Rollins)

PASSED March 1

In Effect from Passage

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3-6-73
AN ACT to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-nine-b, relating generally to airport security; setting forth certain legislative findings and a statement of purpose; defining terms; granting plenary power and authority to airport operator to manage and control airport, to promulgate rules and regulations concerning same and to enforce such rules and regulations; providing criminal offenses and penalties; relating to jurisdiction of justices of the peace; requiring rules and regulations as to airport security; authorizing airport police officers; relating to arrangements and compensation for airport police officers; vesting in airport operators and airport police officers plenary power and authority to enforce federal, state and local law, ordinances, rules and regulations, including rules and regulations of airport operator; requiring an airport police officer to qualify, to wear a uniform, badge or other indicia of authority and to carry deadly weapon; relating to termination of assignment and relief from duty of airport police officers; relating to power and authority of airport police officers; exempting airport police officers from requirement for license to carry deadly weapon; relating to insurance coverage of or bond for airport police officers; and requiring certain security measures.
Be it enacted by the Legislature of West Virginia:

That chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, by adding thereto a new article, designated article twenty-nine-b, to read as follows:

ARTICLE 29B. AIRPORT SECURITY.

§8-29B-1. Legislative findings and purpose.

The Legislature hereby finds and declares that there is an ever increasing need to eliminate the highjacking of aircraft, air piracy and other criminal and terrorist activities involving air passengers, airport personnel, aircraft and airport property and facilities. This article is enacted in view of this finding and the purpose of this article is to facilitate the providing of airport security.

§8-29B-2. Definitions.

As used in this article:

(1) "Aircraft" means any contrivance now known, or hereafter invented, and used for flight in the air and which is operated by an air carrier holding a certificate issued by the civil aeronautics board of the department of transportation of the United States.

(2) "Airport" means any area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, as defined above, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(3) "Airport operator" means a governing body, regional airport authority or county airport authority, under articles twenty-eight, twenty-nine or twenty-nine-a of this chapter, or a board, commission, authority or committee operating under any local act of the Legislature, charged with the operation and management of an airport.

(4) "Airport police officer" means any individual assigned, appointed or designated by an airport operator, to serve as a police officer at an airport.
§8-29B-3. Rules and regulations; airport security; rules and regulations; penalties.

Each airport operator shall have plenary power and authority to manage and control the airport under its jurisdiction, to promulgate rules and regulations concerning the management and control of such airport and to enforce any such rules and regulations so promulgated. Any rules and regulations promulgated shall be printed and posted in a conspicuous public place on the airport premises. The violation of any such rule or regulation shall constitute a misdemeanor, and any person convicted of any such violation shall be punished by a fine of not less than five dollars nor more than one hundred dollars or by imprisonment in jail for a period not exceeding thirty days, or by both such fine and imprisonment. Justices of the peace of the county shall have concurrent jurisdiction with the circuit court and other courts of record having criminal jurisdiction of any misdemeanor offenses arising under this article. Violation of any such rule or regulation which also constitutes the violation of any federal or state law or municipal ordinance may be prosecuted and punished as a violation of such federal or state law or municipal ordinance rather than under the provisions of this article. It shall be the duty of every airport operator in this state to promulgate all rules and regulations deemed necessary for airport security.

§8-29B-4. Arrangements for airport police officers; uniform and badge; firearm required.

(a) To enforce any federal or state law or rules and regulations relating to airports and airport security and any rules and regulations promulgated by the airport operator, to protect air passengers, airport personnel, aircraft and the airport and to preserve law and order in connection therewith, the airport operator shall have plenary power and authority to make arrangements for one or more airport police officers, pursuant to the provisions of subsections (b) and (c) of this section.

(b) In those instances in which the airport operator is the governing body of a municipality, and if requested by such airport operator, one or more police officers of such municipality shall be assigned by the mayor thereof to serve as an
airport police officer or officers. In those instances in which
the airport operator is the governing body of a county or is a
county airport authority, and if requested by such airport
operator, one or more deputy sheriffs of such county may be
assigned by the sheriff of such county, in his discretion, to
serve as airport police officer or officers. Compensation for the
performance of duties by any such officer assigned as an
airport police officer shall be paid as agreed between the
airport operator and the mayor or sheriff, as the case may be.

(c) In lieu of or in addition to obtaining one or more
airport police officers pursuant to the provisions of subsection
(b) of this section and in all instances in which the airport
operator is other than as specified in said subsection (b), the
airport operator may provide for the appointment and super-
vision of, or contract for the furnishing by any private security
force and the designation by such airport operator of, one or
more airport police officers, and pay the agreed compensation
thereto or therefor. Any person appointed or designated as an
airport police officer pursuant to the provisions of this sub-
section (c) shall, before entering upon the performance of his
duties, qualify in the same manner as is required of a con-
stable by the taking and filing of an oath of office as required
by article one, chapter six of this code and by the filing of an
official bond as required by article two of said chapter six.

(d) The airport operator may terminate the assignment of
an airport police officer assigned pursuant to the provisions of
subsection (b) of this section by notice to the mayor or sheriff,
as the case may be, who made the assignment, and the airport
operator may relieve any person appointed or designated,
pursuant to the provisions of subsection (c) of this section,
from his duty as an airport police officer, by filing a notice
to such effect in the office in which such person's oath of
office as an airport police officer was officially filed.

(e) The airport operator shall specify a uniform, badge or
other indicia of authority to be worn by all airport police
officers while on duty: Provided, That as to any airport police
officer who is either a municipal police officer or deputy
sheriff, the uniform, badge or other indicia of authority
specified shall be the uniform, badge or other indicia of
authority worn by such individual as a municipal police officer
or deputy sheriff, as the case may be.
(f) Every airport police officer shall be trained in the use of firearms and shall, unless otherwise provide by rules and regulations promulgated by the airport operator, carry a firearm at all times while on duty.

§8-29B-5. Jurisdiction of airport police officers; insurance coverage; bonds.

In any area under the jurisdiction and control of the airport operator, or in connection with the airport, or in pursuit of one or more individuals therefrom, any airport police officer shall have (1) all of the power and authority which a regularly appointed deputy sheriff of a county in this state has in enforcing the criminal laws of this state; (2) full power and authority to enforce any and all federal law and rules and regulations relating to airports, air passengers, baggage inspection, the screening of air passengers and other airport security measures; (3) full power and authority to enforce any and all rules and regulations promulgated by the airport operator; and (4) the power to search persons, packages, containers and baggage and the power to arrest persons: Provided, That the foregoing provisions of this section shall under no circumstances whatever be construed as in any way limiting the power and authority of a municipal police officer or deputy sheriff who has been assigned to serve as an airport police officer which he has by virtue of his being a municipal police officer or deputy sheriff, and under no circumstances whatever shall the assignment or appointment or designation of one or more airport police officers at an airport be deemed in any way to supersede or limit the power and authority of other peace officers to preserve law and order at such airport.

Consistent with the provisions of section five, article seven, chapter sixty-one of this code, any municipal police officer or deputy sheriff assigned as an airport police officer pursuant to the provisions of subsection (b), section four of this article, and (notwithstanding any provision of this code to the contrary) any person appointed or designated as an airport police officer pursuant to the provisions of subsection (c), section four of this article, shall not be required to obtain a state license to carry a deadly weapon, as provided for in section two, article seven of said chapter sixty-one. Any municipal police officer or deputy sheriff assigned as an airport police officer pursuant to
the provisions of subsection (b), section four of this article shall not be required to furnish any bond under section five, article seven of said chapter sixty-one other than the bond furnished thereunder as such municipal police officer or deputy sheriff. When one or more policies of public liability insurance are obtained providing insurance coverage for legal liability of an airport police officer for bodily injury, personal injury or damage (including, but not limited to, false arrest and false imprisonment) and property damage, and affording said airport police officer insurance coverage against any and all legal liability arising from, growing out of, or by reason of or in any way connected with, any acts or omissions of said airport police officer in the performance of his official duties, and so long as the coverage aforesaid remains in full force and effect as to such airport police officer, then the bond specified in section five, article seven of said chapter sixty-one shall not be required as to such airport police officer; otherwise such bond shall be required and must be furnished.

§8-29B-6. Required security measures.

1 In addition to any and all other security measures which may be required by an airport operator, and unless otherwise provided by rules and regulations promulgated by such airport operator, at least one airport police officer must be present prior to, at the point of, and throughout the final passenger screening process prior to the boarding of an aircraft at an airport (other than a charter or commuter flight), and such police officer shall be present continuously until all doors on such aircraft being boarded are closed and such aircraft has taxied away from the boarding area. An airport police officer shall have the same duty and responsibility in the event such aircraft returns to the boarding area prior to takeoff.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 5th day of March, 1973.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/5/73
Time 1:05 p.m.