

MAR 32 11 57 AM '76

OFFICE OF
SECRETARY OF STATE
CHARLESTON, WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976



ENROLLED

HOUSE BILL No. 1440

(By Mr. Craltree.....)



PASSED March 17,..... 1976

In Effect ninety days from..... Passage



FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/1/76

ENROLLED

H. B. 1440

(By MR. CRABTREE)

[Passed March 17, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article fourteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers, authority and duties of municipal law-enforcement officials and policemen; supervision of prisoners in the jail.

Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one as amended, be amended and reenacted to read as follows:

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

PART II. POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN.

§8-14-3. Powers, authority and duties of law-enforcement officials and policemen.

1 The chief and any member of the police force or depart-
2 ment of a municipality and any municipal sergeant shall
3 have all of the powers, authority, rights and privileges within
4 the corporate limits of the municipality with regard to the
5 arrest of persons, the collection of claims, and the execution
6 and return of any search warrant, warrant of arrest or other

7 process, which can legally be exercised or discharged by a
8 deputy sheriff of a county. In order to arrest for the
9 violation of municipal ordinances and as to all matters
10 arising within the corporate limits and coming within the
11 scope of his official duties, the powers of any chief, policeman
12 or sergeant shall extend anywhere within the county or coun-
13 ties in which the municipality is located, and any such chief,
14 policeman or sergeant shall have the same authority of
15 pursuit and arrest beyond his normal jurisdiction as has a
16 sheriff. For an offense committed in his presence, any such
17 officer may arrest the offender without a warrant and take
18 him before the mayor or police court or municipal court to
19 be dealt with according to law. He and his sureties shall be
20 liable to all the fines, penalties and forfeitures which a
21 deputy sheriff is liable to, for any failure or dereliction
22 in such office, to be recovered in the same manner and
23 in the same courts in which such fines, penalties and for-
24 feitures are recovered against a deputy sheriff. In addition to
25 the mayor, or police court judge or municipal court judge, if
26 any, of a city, the chief of police of any municipality and in
27 the absence from the station house of the chief of police the
28 captains of police and lieutenants of police shall each have
29 authority to administer oaths to complainants and to issue
30 arrest warrants thereon for all violations of the ordinances of
31 such municipality.

32 It shall be the duty of the mayor and police officers of
33 every municipality and any municipal sergeant to aid in
34 the enforcement of the criminal laws of the state within the
35 municipality, independently of any charter provision or any
36 ordinance or lack of an ordinance with respect thereto, and
37 to cause the arrest of or arrest any offender and take him
38 before a regular or ex officio justice of the peace of the
39 county or a magistrate to be dealt with according to the law.
40 Failure on the part of any such official or officer to discharge
41 any duty imposed by the provisions of this section shall be
42 deemed official misconduct for which he may be removed from
43 office. Any such official or officer shall have the same author-
44 ity to execute a warrant issued by a justice of the peace or a
45 magistrate, and the same authority to arrest without a warrant
46 for offenses committed in his presence, as a deputy sheriff.

47 The chief of police shall be charged with the keeping and
48 security of the jail and at any time that one or more prisoners
49 are being held in the jail, he shall require that the jail be
50 attended by a police officer or other responsible person.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Killian Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. B. [Signature]
President of the Senate

Lewis R. McManis
Speaker House of Delegates

The within *approved* this the *31st*
March
day of _____, 1976.

Arwa. [Signature]
Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/76

Time 2:00 p.m.