WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

Com. Sub. for
HOUSE BILL No. 1190

(By Mr. Wooton & Mr. Teets)

Passed April 10, 1981

In Effect Ninety Days From Passage
AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding there-to a new article, designated article twenty-nine, relating to law-enforcement officers and their training; and qualification; creating a law-enforcement training subcommittee of the governor's committee on crime, delinquency and corrections; requiring the governor's committee to administer provisions of the article with recommendation of the subcommittee; establishing a special revenue account for the funding of training academies and payment of expenses of the governor's committee; providing for funding of special revenue account by assessing additional two dollar fee for court costs and for bonds posted for criminal violations other than violations of municipal parking ordinances; requiring certification of all law-enforcement officers in the state; providing special time periods for certain law-enforcement agencies to have their officers comply with certification requirements; establishing criteria for granting certification; assigning responsibility for compliance with article; and permitting law enforcement agencies to pay wages and expenses of personnel during training and to demand reimbursement from personnel who voluntarily quit within one year of such training.
Be it enacted by the Legislature of West Virginia:

That chapter thirty 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, to read as follows:

§30-29-1. Definitions.

1 For purposes of this article, unless a different meaning clearly appears in the context:

2 "Approved law-enforcement training academy" means any training facility which is approved and authorized to conduct law-enforcement training as provided in this article;

3 "Chief executive" means the superintendent of the department of public safety; the chief conservation officer, department of natural resources; the sheriff of any West Virginia county; or the chief of any West Virginia municipal law-enforcement agency;

4 "County" means the fifty-five major political subdivisions of the state;

5 "Exempt rank" means any noncommissioned or commissioned rank of sergeant or above;

6 "Governor's committee on crime, delinquency and corrections" or "governor's committee" means the governor's committee on crime, delinquency and corrections established as a state planning agency pursuant to section one, article nine of chapter fifteen of this code.

7 "Law-enforcement officer" means any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests, and, enforce the laws of the state or any county or municipality thereof, other than parking ordinances. As used in this article, the term "law-enforcement officer" does not apply to the chief executive of any West Virginia law-enforcement agency or any watchman or college campus security personnel.

8 "Law-enforcement official" means the duly appointed chief administrator of a designed law-enforcement agency or a duly authorized designee;
"Municipality" means any incorporated town or city whose boundaries lie within the geographic boundaries of the state; "Subcommittee" or "law-enforcement training subcommittee" means the subcommittee of the governor's committee on crime, delinquency and corrections created by section two of this article; and "West Virginia law-enforcement agency" means any duly authorized state, county or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof.

§30-29-2. Law-enforcement training subcommittee created; composition; organization; meetings, quorum.

(a) A subcommittee of the governor's committee on crime, delinquency and corrections is hereby created and assigned responsibility for review and administration of programs for qualification, training and certification of law-enforcement officers in the state. The subcommittee shall be comprised of nine members of the governor's committee including one representative of each of the following: the department of public safety, the West Virginia sheriffs association, the West Virginia association of chiefs of police, the West Virginia deputy sheriffs association, the West Virginia fraternal order of police lodge, the West Virginia municipal league, the West Virginia association of county officials, the human rights commission and the public at large.

(b) The subcommittee shall elect a chairperson and a vice chairperson. Special meetings may be held upon the call of the chairperson, vice chairperson or a majority of the members of the subcommittee. A majority of the members of the subcommittee constitutes a quorum.

§30-29-3. Duties of the governor's committee and the subcommittee.

Upon recommendation of the subcommittee, the governor's committee shall, by or pursuant to rule or regulation:

(a) Provide funding for the establishment and support of law-enforcement training academies in the state;
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5 (b) Establish standards governing the establishment and
6 operation of law-enforcement training academies;
7 (c) Establish minimum law-enforcement instructor quali-
8 fications;
9 (d) Certify qualified law-enforcement instructors;
10 (e) Maintain a list of approved law-enforcement instruc-
11 tors;
12 (f) Promulgate standards governing the qualification of
law-enforcement officers and the entry level law-enforcement,
training curricula, which shall consist of a minimum of four
hundred classroom hours;
13 (g) Establish standards governing in-service law-enforce-
ment officer training curricula and in-service supervisory level
training curricula;
14 (h) Certify law-enforcement officers, as provided in sec-
tion five of this article;
15 (i) Seek supplemental funding for law-enforcement training
academies from sources other than the fees collected pursuant
to section four of this article; and
16 (j) Submit, on or before the thirtieth day of September
of each year, to the governor, and upon request to individual
members of the Legislature, a report on its activities during
the previous year and an accounting of funds paid into and
disbursed from the special revenue account established pur-
suant to section four of this article.

§30-29-4. Additional criminal court and bond fees to be collected
and deposited to special revenue account; limitation
on payment of expenses.

1 (a) Beginning on the effective date of this article, a
two dollar fee shall be added to the usual court costs of all
criminal court proceedings involving violation of any criminal
law of the state or any county or municipality thereof, ex-
cluding violations of municipal parking ordinances.
2 (b) Beginning on the effective date of this article, a two
dollar fee shall be added to the amount of any cash or property
bond posted for violation of any criminal law of the state
or any county municipality thereof, excluding bonds posted
solely for violation of municipal parking ordinances. Upon
forfeiture of such bond, the two dollar fee shall be deposited
as provided in subsection (c) of this section.

(c) All fees collected pursuant to subsections (a) and
(b) of this section shall be deposited in a separate account
by the collecting agency. Within ten calendar days following
the beginning of each calendar month, the collecting agency
shall forward the amount deposited to the state treasurer.
The treasurer shall deposit all fees so received to a special
revenue account. Funds in the account shall be disbursed by
the governor's committee, upon recommendation by the sub-
committee, for the funding of law-enforcement training aca-
demies and programs and to pay expenses of the governor's
committee in administering the provisions of this article, which
expenses may not in any fiscal year exceed ten percent of
the funds deposited to said special revenue account during that
fiscal year.

§30-29-5. Qualifications of law-enforcement officers and require-
mements for certification and recertification; special dates
for mandatory compliance.

(a) Except as provided in subsections (b) and (g) below,
no person may be employed as a law-enforcement officer by
any West Virginia law-enforcement agency on or after the
effective date of this article unless the person is certified, or is
certifiable in one of the manners specified in subsections
(c) through (e) below, by the governor's committee as having
met the minimum entry level law-enforcement qualification and
training program requirements promulgated pursuant to this
article.

(b) Except as provided in subsection (g) below, a per-
son who is not certified, or certifiable in one of the manners
specified in subsections (c) through (e) below, may be
conditionally employed as a law-enforcement officer until certi-
ified: Provided, That, within ninety calendar days of the
commencement of employment or the effective date of this
article if the person is already employed on the effective date,
he or she makes a written application to attend an approved law-enforcement training academy. The academy shall notify the applicant in writing of the receipt of the application and of the tentative date of the applicant's enrollment. Any applicant who, as the result of extenuating circumstances acceptable to his or her law-enforcement official, is unable to attend the scheduled training program to which he or she was admitted may reapply and shall be admitted to the next regularly scheduled training program. An applicant who satisfactorily completes the program shall, within thirty days of completion, make written application to the governor's committee requesting certification as having met the minimum entry level law-enforcement qualification and training program requirements. Upon determining that an applicant has met the requirements for certification, the governor's committee shall forward to the applicant documentation of certification. An applicant who fails to complete the training program to which he or she is first admitted, or was admitted upon application, may not be certified by the governor's committee.

(c) Any person who is employed as a law-enforcement officer on the effective date of this article and is a graduate of the West Virginia basic police training course, the West Virginia department of public safety cadet training program, or other approved law-enforcement training academy, is certifi-cable as having met the minimum entry law-enforcement training program requirements and is exempt from the requirement of attending a law-enforcement training academy. To receive certification, the person shall make written application within ninety calendar days of the effective date of this article to the governor's committee requesting certification. The governor's committee shall review the applicant's relevant scholastic records and, upon determining that the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.

(d) Any person who is employed as a law-enforcement officer on the effective date of this article and is not a graduate of the West Virginia basic police training course, the West Virginia department of public safety cadet training program, or other approved law-enforcement training academy, is certi-
fable as having met the minimum entry level law-enforcement training program requirements and is exempt from the requirement of attending a law-enforcement training academy if the person has attained exempt rank and has been employed as a law-enforcement officer for a period of not less than ten years. To receive certification, the person shall make written application within ninety calendar days following the effective date of this article to the governor’s committee requesting certification. The application shall include notarized statements as to the applicant’s rank and years of employment as a law-enforcement officer. The governor’s committee shall review the application and, upon determining that the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.

(e) Any person who begins employment on or after the effective date of this article as a law-enforcement officer is certifiable as having met the minimum entry level law-enforcement training program requirements and is exempt from attending a law-enforcement training academy if the person has satisfactorily completed a course of instruction in law-enforcement equivalent to or exceeding the minimum applicable law-enforcement training curricula promulgated by the governor’s committee. To receive certification, the person shall make written application within ninety calendar days following the commencement of employment to the governor’s committee requesting certification. The application shall include a notarized statement of the applicant’s satisfactory completion of the course of instruction in law enforcement, a notarized transcript of the applicant’s relevant scholastic records, and a notarized copy of the curriculum of the completed course of instruction. The governor’s committee shall review the application and, if it finds the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.

(f) Nothing in this section may be construed as prohibiting the chief executive of any West Virginia law-enforcement agency from requiring law-enforcement officers in his organization to satisfactorily complete a course of law-enforcement instruction which exceeds the minimum entry level law-
(g) The requirement of this section for qualification, training and certification of law-enforcement officers, shall not be mandatory during the two years next succeeding the effective date of this article for the law-enforcement officers of a law-enforcement agency which employs a civil service system for its law-enforcement personnel, nor shall such provisions be mandatory during the five years next succeeding the effective date of this article for law-enforcement officers of a law-enforcement agency which does not employ a civil service system for its law-enforcement personnel: Provided, That such requirements shall be mandatory for all such law-enforcement officers until their law-enforcement officials apply for their exemption by submitting a written plan to the governor's committee which will reasonably assure compliance of all law-enforcement officers of their agencies within the applicable two or five year period of exemption.

(h) Any person aggrieved by a decision of the governor's committee made pursuant to this article may contest such decision in accordance with the provisions of article five of chapter twenty-nine-a of this code.

§30-29-6. Review of certification.

Certification of each West Virginia law-enforcement officer shall be reviewed annually following the first certification and until such time as the officer may achieve exempt rank. Certification may be revoked or not renewed if any law-enforcement officer fails to attend annually an in-service approved law-enforcement training program, or if a law-enforcement officer achieving exempt rank fails to attend biennially an approved in-service supervisory level training program.

§30-29-7. Compliance.

The governor's committee and the executive of each West Virginia law-enforcement agency shall insure employee compliance with this article.
§30-29-8. Agreements to reimburse employers for wages and expenses of employees trained but not continuing employment.

A West Virginia law-enforcement agency may elect to pay to employees compensation, including without limitation, wages, salaries, benefits, tuition, or expenses for the employees’ attendance at a law-enforcement training academy. In consideration therefor, the agency may require of its employees by written agreement entered into with each of them in advance of such attendance at a training academy that, if an employee should voluntarily discontinue employment anytime within one year immediately following completion of the training curriculum, he or she shall be obligated to pay to such agency a prorata portion of the sum of such compensation equal to that part of such year which the employee has chosen not to remain in the employ of the agency.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 1

day of May, 1981.

Governor