

APPROVED AND SIGNED BY THE GOVERNOR

Date 5-1-81

Time \_\_\_\_\_

No. 1190

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1190

(By Mr. Hooton + Mr. Teets)



Passed April 10, 1981

In Effect Ninety Days From Passage



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 1190**

(By MR. WOOTON and 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 thereto 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  
2 clearly appears in the context:

3 “Approved law-enforcement training academy” means any  
4 training facility which is approved and authorized to con-  
5 duct law-enforcement training as provided in this article;

6 “Chief executive” means the superintendent of the depart-  
7 ment of public safety; the chief conservation officer, depart-  
8 ment of natural resources; the sheriff of any West Virginia  
9 county; or the chief of any West Virginia municipal law-  
10 enforcement agency;

11 “County” means the fifty-five major political subdivisions  
12 of the state;

13 “Exempt rank” means any noncommissioned or commis-  
14 sioned rank of sergeant or above;

15 “Governor’s committee on crime, delinquency and correc-  
16 tions” or “governor’s committee” means the governor’s com-  
17 mittee on crime, delinquency and corrections established as a  
18 state planning agency pursuant to section one, article nine of  
19 chapter fifteen of this code.

20 “Law-enforcement officer” means any duly authorized mem-  
21 ber of a law-enforcement agency who is authorized to main-  
22 tain public peace and order, prevent and detect crime, make  
23 arrests, and, enforce the laws of the state or any county or  
24 municipality thereof, other than parking ordinances. As used in  
25 this article, the term “law-enforcement officer” does not apply  
26 to the chief executive of any West Virginia law-enforcement  
27 agency or any watchman or college campus security per-  
28 sonnel.

29 “Law-enforcement official” means the duly appointed chief  
30 administrator of a designed law-enforcement agency or a duly  
31 authorized designee;

32 “Municipality” means any incorporated town or city whose  
33 boundaries lie within the geographic boundaries of the state;

34 “Subcommittee” or “law-enforcement training subcom-  
35 mittee” means the subcommittee of the governor’s committee  
36 on crime, delinquency and corrections created by section two  
37 of this article; and

38 “West Virginia law-enforcement agency” means any duly  
39 authorized state, county or municipal organization employing  
40 one or more persons whose responsibility is the enforcement  
41 of laws of the state or any county or municipality thereof.

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

1 (a) A subcommittee of the governor’s committee on crime,  
2 delinquency and corrections is hereby created and assigned  
3 responsibility for review and administration of programs for  
4 qualification, training and certification of law-enforcement  
5 officers in the state. The subcommittee shall be comprised  
6 of nine members of the governor’s committee including one  
7 representative of each of the following: the department of  
8 public safety, the West Virginia sheriffs association, the West  
9 Virginia association of chiefs of police, the West Virginia  
10 deputy sheriffs association, the West Virginia fraternal order  
11 of police lodge, the West Virginia municipal league, the West  
12 Virginia association of county officials, the human rights com-  
13 mission and the public at large.

14 (b) The subcommittee shall elect a chairperson and a  
15 vice chairperson. Special meetings may be held upon the call  
16 of the chairperson, vice chairperson or a majority of the mem-  
17 bers of the subcommittee. A majority of the members of  
18 the subcommittee constitutes a quorum.

**§30-29-3. Duties of the governor’s committee and the subcom-  
mittee.**

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

3 (a) Provide funding for the establishment and support  
4 of law-enforcement training academies in the state;

- 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  
13 law-enforcement officers and the entry level law-enforcement  
14 training curricula, which shall consist of a minimum of four  
15 hundred classroom hours;
- 16 (g) Establish standards governing in-service law-enforce-  
17 ment officer training curricula and in-service supervisory level  
18 training curricula;
- 19 (h) Certify law-enforcement officers, as provided in sec-  
20 tion five of this article;
- 21 (i) Seek supplemental funding for law-enforcement training  
22 academies from sources other than the fees collected pursuant  
23 to section four of this article; and
- 24 (j) Submit, on or before the thirtieth day of September  
25 of each year, to the governor, and upon request to individual  
26 members of the Legislature, a report on its activities during  
27 the previous year and an accounting of funds paid into and  
28 disbursed from the special revenue account established pur-  
29 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  
2 two dollar fee shall be added to the usual court costs of all  
3 criminal court proceedings involving violation of any criminal  
4 law of the state or any county or municipality thereof, ex-  
5 cluding violations of municipal parking ordinances.
- 6 (b) Beginning on the effective date of this article, a two  
7 dollar fee shall be added to the amount of any cash or property

8 bond posted for violation of any criminal law of the state  
9 or any county municipality thereof, excluding bonds posted  
10 solely for violation of municipal parking ordinances. Upon  
11 forfeiture of such bond, the two dollar fee shall be deposited  
12 as provided in subsection (c) of this section.

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

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

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

10 (b) Except as provided in subsection (g) below, a per-  
11 son who is not certified, or certifiable in one of the manners  
12 specified in subsections (c) through (e) below, may be  
13 conditionally employed as a law-enforcement officer until certi-  
14 fied: *Provided*, That, within ninety calendar days of the  
15 commencement of employment or the effective date of this  
16 article if the person is already employed on the effective date,

17 he or she makes a written application to attend an approved  
18 law-enforcement training academy. The academy shall notify  
19 the applicant in writing of the receipt of the application and of  
20 the tentative date of the applicant's enrollment. Any applicant  
21 who, as the result of extenuating circumstances acceptable to  
22 his or her law-enforcement official, is unable to attend the  
23 scheduled training program to which he or she was admitted  
24 may reapply and shall be admitted to the next regularly  
25 scheduled training program. An applicant who satisfactorily  
26 completes the program shall, within thirty days of completion,  
27 make written application to the governor's committee re-  
28 questing certification as having met the minimum entry level  
29 law-enforcement qualification and training program require-  
30 ments. Upon determining that an applicant has met the re-  
31 quirements for certification, the governor's committee shall  
32 forward to the applicant documentation of certification. An  
33 applicant who fails to complete the training program to which  
34 he or she is first admitted, or was admitted upon application,  
35 may not be certified by the governor's committee.

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

51 (d) Any person who is employed as a law-enforcement  
52 officer on the effective date of this article and is not a graduate  
53 of the West Virginia basic police training course, the West  
54 Virginia department of public safety cadet training program,  
55 or other approved law-enforcement training academy, is certi-

56 fable as having met the minimum entry level law-enforcement  
57 training program requirements and is exempt from the require-  
58 ment of attending a law-enforcement training academy if the  
59 person has attained exempt rank and has been employed as a  
60 law-enforcement officer for a period of not less than ten years.  
61 to receive certification, the person shall make written appli-  
62 cation within ninety calendar days following the effective  
63 date of this article to the governor's committee requesting  
64 certification. The application shall include notarized state-  
65 ments as to the applicant's rank and years of employment  
66 as a law-enforcement officer. The governor's committee shall  
67 review the application and, upon determining that the applicant  
68 has met the requirements for certification, shall forward to the  
69 applicant documentation of certification.

70 (e) Any person who begins employment on or after the  
71 effective date of this article as a law-enforcement officer is  
72 certifiable as having met the minimum entry level law-enforce-  
73 ment training program requirements and is exempt from attend-  
74 ing a law-enforcement training academy if the person has  
75 satisfactorily completed a course of instruction in law-enforce-  
76 ment equivalent to or exceeding the minimum applicable law-  
77 enforcement training curricula promulgated by the governor's  
78 committee. To receive certification, the person shall make  
79 written application within ninety calendar days following the  
80 commencement of employment to the governor's committee  
81 requesting certification. The application shall include a  
82 notarized statement of the applicant's satisfactory completion  
83 of the course of instruction in law enforcement, a notarized  
84 transcript of the applicant's relevant scholastic records, and  
85 a notarized copy of the curriculum of the completed course  
86 of instruction. The governor's committee shall review the  
87 application and, if it finds the applicant has met the re-  
88 quirements for certification, shall forward to the applicant  
89 documentation of certification.

90 (f) Nothing in this section may be construed as pro-  
91 hibiting the chief executive of any West Virginia law-enforce-  
92 ment agency from requiring law-enforcement officers in his  
93 organization to satisfactorily complete a course of law-enforce-  
94 ment instruction which exceeds the minimum entry level law-

95 enforcement training curriculum promulgated by the governor's  
96 committee.

97 (g) The requirement of this section for qualification,  
98 training and certification of law-enforcement officers, shall  
99 not be mandatory during the two years next succeeding the  
100 effective date of this article for the law-enforcement of-  
101 ficers of a law-enforcement agency which employs a civil  
102 service system for its law-enforcement personnel, nor shall  
103 such provisions be mandatory during the five years next  
104 succeeding the effective date of this article for law-enforce-  
105 ment officers of a law-enforcement agency which does not  
106 employ a civil service system for its law-enforcement per-  
107 sonnel: *Provided*, That such requirements shall be mandatory  
108 for all such law-enforcement officers until their law-enforce-  
109 ment officials apply for their exemption by submitting a written  
110 plan to the governor's committee which will reasonably assure  
111 compliance of all law-enforcement officers of their agencies  
112 within the applicable two or five year period of exemption.

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

#### **§30-29-6. Review of certification.**

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

#### **§30-29-7. Compliance.**

1 The governor's committee and the executive of each West  
2 Virginia law-enforcement agency shall insure employee com-  
3 pliance with this article.

**§30-29-8. Agreements to reimburse employers for wages and expenses of employees trained but not continuing employment.**

1 A West Virginia law-enforcement agency may elect to pay  
2 to employees compensation, including without limitation,  
3 wages, salaries, benefits, tuition, or expenses for the employees'  
4 attendance at a law-enforcement training academy. In con-  
5 sideration therefor, the agency may require of its employees by  
6 written agreement entered into with each of them in advance  
7 of such attendance at a training academy that, if an employee  
8 should voluntarily discontinue employment anytime within  
9 one year immediately following completion of the training cur-  
10 riculum, he or she shall be obligated to pay to such agency a  
11 prorata portion of the sum of such compensation equal to that  
12 part of such year which the employee has chosen not to remain  
13 in the employ of the agency.

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

*R. P. Bayler*  
-----  
Chairman Senate Committee

*Joseph E. Whitlow*  
-----  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Joad C. Walters*  
-----  
Clerk of the Senate

*VA Blankenship*  
-----  
Clerk of the House of Delegates

*Alvin D. Brown*  
-----  
President of the Senate

*Walter M. Bee, Jr.*  
-----  
Speaker House of Delegates

The within *is approved* this the *1*  
day of *May*, 1981.

*John D. Dyer*  
-----  
Governor

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SECY. OF STATE