



# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## Senate Bill No. 312

(By Ms. CHACE, original sponsor)

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[Passed March 10, 1982; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one, three, five and eight, article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and by further amending said article twenty-nine by adding thereto a new section, designated section nine; all relating to law-enforcement officer training requirements; defining terms; providing for regional training locations; part-time curricula standards for the qualification of officers; and credit to be given for classroom hours earned outside law-enforcement training academies; providing an exemption from such requirements for officers who have served for at least seven consecutive years; providing for automatic termination of law-enforcement officers who fail to be certified and prohibiting employment of those officers until they can become certified; providing for requirements for qualifications and training which exceed the minimum requirements of article; requiring law-enforcement officers to be paid wages, tuition and expenses during training; providing that county and municipal governments may contract to recover training expenses of officers who discontinue employment; and providing for special railroad police to attend law-enforcement training academies under certain conditions.

*Be it enacted by the Legislature of West Virginia:*

That sections one, three, five and eight, article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine

hundred thirty-one, as amended, be amended and reenacted; and that said article twenty-nine be further amended by adding thereto a new section, designated section nine, all to read as follows:

**ARTICLE 29. LAW-ENFORCEMENT OFFICER TRAINING AND CERTIFICATION.**

**§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  
4 any training facility which is approved and authorized  
5 to conduct law-enforcement training as provided in this  
6 article;

7 "Chief executive" means the superintendent of the de-  
8 partment of public safety; the chief conservation officer,  
9 department of natural resources; the sheriff of any West  
10 Virginia county; or the chief of any West Virginia municip-  
11 al law-enforcement agency;

12 "County" means the fifty-five major political subdivi-  
13 sions of the state;

14 "Exempt rank" means any noncommissioned or com-  
15 missioned rank of sergeant or above;

16 "Governor's committee on crime, delinquency and cor-  
17 rections" or "governor's committee" means the governor's  
18 committee on crime, delinquency and corrections estab-  
19 lished as a state planning agency pursuant to section one,  
20 article nine of chapter fifteen of this code;

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

30 "Law-enforcement official" means the duly appointed  
31 chief administrator of a designated law-enforcement  
32 agency or a duly authorized designee;

33 "Municipality" means any incorporated town or city  
34 whose boundaries lie within the geographic boundaries  
35 of the state;

36 "Subcommittee" or "law-enforcement training subcom-  
37 mittee" means the subcommittee of the governor's com-  
38 mittee on crime, delinquency and corrections created by  
39 section two of this article; and

40 "West Virginia law-enforcement agency" means any  
41 duly authorized state, county or municipal organization  
42 employing one or more persons whose responsibility is the  
43 enforcement of laws of the state or any county or munic-  
44 ipality thereof.

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

1 Upon recommendation of the subcommittee, the gov-  
2 ernor's committee shall, by or pursuant to rule or regu-  
3 lation:

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

6 (b) Establish standards governing the establishment  
7 and operation of the law-enforcement training academies,  
8 including regional locations throughout the state in order  
9 to provide access to each law-enforcement agency in the  
10 state in accordance with available funds;

11 (c) Establish minimum law-enforcement instructor  
12 qualifications;

13 (d) Certify qualified law-enforcement instructors;

14 (e) Maintain a list of approved law-enforcement in-  
15 structors;

16 (f) Promulgate standards governing the qualification  
17 of law-enforcement officers and the entry level law-  
18 enforcement training curricula. These standards shall re-  
19 quire satisfactory completion of a minimum of four hun-  
20 dred classroom hours, shall provide for credit to be given  
21 for relevant classroom hours earned pursuant to training  
22 other than training at an established law-enforcement  
23 training academy if earned within five years immediately  
24 preceding the date of application for certification, and  
25 shall provide that the required classroom hours can be ac-

26 cumulated on the basis of a part-time curricula spanning  
27 no more than twelve months, or a full-time curricula.

28 (g) Establish standards governing in-service law-  
29 enforcement officer training curricula and in-service  
30 supervisory level training curricula;

31 (h) Certify law-enforcement officers, as provided in  
32 section five of this article;

33 (i) Seek supplemental funding for law-enforcement  
34 training academies from sources other than the fees  
35 collected pursuant to section four of this article; and

36 (j) Submit, on or before the thirtieth day of September  
37 of each year, to the governor, and upon request to  
38 individual members of the Legislature, a report on its  
39 activities during the previous year and an accounting of  
40 funds paid into and disbursed from the special revenue  
41 account established pursuant to section four of this  
42 article.

**§30-29-5. Certification requirements.**

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

10 (b) Except as provided in subsection (g) below, a per-  
11 son who is not certified, or certifiable in one of the man-  
12 ners specified in subsections (c) through (e) below, may  
13 be conditionally employed as a law-enforcement officer  
14 until certified: *Provided*, That, within ninety calendar  
15 days of the commencement of employment or the effec-  
16 tive date of this article if the person is already employed  
17 on the effective date, he or she makes a written applica-  
18 tion to attend an approved law-enforcement training  
19 academy. The academy shall notify the applicant in writ-  
20 ing of the receipt of the application and of the tentative  
21 date of the applicant's enrollment. Any applicant who, as

22 the result of extenuating circumstances acceptable to his  
23 or her law-enforcement official, is unable to attend the  
24 scheduled training program to which he or she was ad-  
25 mitted may reapply and shall be admitted to the next  
26 regularly scheduled training program. An applicant who  
27 satisfactorily completes the program shall, within thirty  
28 days of completion, make written application to the  
29 governor's committee requesting certification as having  
30 met the minimum entry level law-enforcement qualifica-  
31 tion and training program requirements. Upon deter-  
32 mining that an applicant has met the requirements for  
33 certification, the governor's committee shall forward to  
34 the applicant documentation of certification. An applicant  
35 who fails to complete the training program to which he  
36 or she is first admitted, or was admitted upon reapplica-  
37 tion may not be certified by the governor's committee.

38 (c) Any person who is employed as a law-enforcement  
39 officer on the effective date of this article and is a gradu-  
40 ate of the West Virginia basic police training course,  
41 the West Virginia department of public safety cadet  
42 training program, or other approved law-enforcement  
43 training academy, is certifiable as having met the mini-  
44 mum entry law-enforcement training program require-  
45 ments and is exempt from the requirement of attending  
46 a law-enforcement training academy. To receive certifi-  
47 cation, the person shall make written application within  
48 ninety calendar days of the effective date of this article  
49 to the governor's committee requesting certification. The  
50 governor's committee shall review the applicant's rele-  
51 vant scholastic records and, upon determining that the  
52 applicant has met the requirement for certification, shall  
53 forward to the applicant documentation of certification.

54 (d) Any person who is employed as a law-enforce-  
55 ment officer on the effective date of this article and is not  
56 a graduate of the West Virginia basic police training  
57 course, the West Virginia department of public safety  
58 cadet training program, or other approved law-enforce-  
59 ment training academy, is certifiable as having met the  
60 minimum entry level law-enforcement training program  
61 requirements and is exempt from the requirement of  
62 attending a law-enforcement training academy if the per-

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63 son has been employed as a law-enforcement officer for a  
64 period of not less than seven consecutive years immedi-  
65 ately preceding the date of application for certification.  
66 To receive certification, the person shall make written ap-  
67 plication within ninety calendar days following the effec-  
68 tive date of this article to the governor's committee  
69 requesting certification. The application shall include  
70 notarized statements as to the applicant's years of em-  
71 ployment as a law-enforcement officer. The governor's  
72 committee shall review the application and, upon deter-  
73 mining that the applicant has met the requirements for  
74 certification, shall forward to the applicant documenta-  
75 tion of certification.

76 (e) Any person who begins employment on or after  
77 the effective date of this article as a law-enforcement  
78 officer is certifiable as having met the minimum entry  
79 level law-enforcement training program requirements  
80 and is exempt from attending a law-enforcement training  
81 academy if the person has satisfactorily completed a  
82 course of instruction in law enforcement equivalent to or  
83 exceeding the minimum applicable law-enforcement  
84 training curricula promulgated by the governor's com-  
85 mittee. To receive certification, the person shall make  
86 written application within ninety calendar days following  
87 the commencement of employment to the governor's  
88 committee requesting certification. The application shall  
89 include a notarized statement of the applicant's satisfac-  
90 tory completion of the course of instruction in law-en-  
91 forcement, a notarized transcript of the applicant's rele-  
92 vant scholastic records, and a notarized copy of the cur-  
93 riculum of the completed course of instruction. The gov-  
94 ernor's committee shall review the application and, if it  
95 finds the applicant has met the requirements for certifica-  
96 tion, shall forward to the applicant documentation of  
97 certification.

98 (f) Any person who is employed as a law-enforcement  
99 officer on or after the effective date of this article and  
100 fails to be certified shall be automatically terminated and  
101 no further emoluments shall be paid to such officer by his  
102 employer. Any person terminated shall be entitled to re-  
103 apply, as a private citizen, to the subcommittee for train-

104 ing and certification, and upon being certified may again  
105 be employed as a law-enforcement officer in this state.

106 (g) Nothing in this article may be construed as pro-  
107 hibiting any governing body, civil service commission or  
108 chief executive of any West Virginia law-enforcement  
109 agency from requiring their law-enforcement officers to  
110 meet qualifications and satisfactorily complete a course of  
111 law-enforcement instruction which exceed the minimum  
112 entry level law-enforcement qualifications and training  
113 curricula promulgated by the governor's committee.

114 (h) The requirement of this section for qualification,  
115 training and certification of law-enforcement officers shall  
116 not be mandatory during the two years next succeeding  
117 the effective date of this article for the law-enforcement  
118 officers of a law-enforcement agency which employs a  
119 civil service system for its law-enforcement personnel,  
120 nor shall such provisions be mandatory during the five  
121 years next succeeding the effective date of this article for  
122 law-enforcement officers of a law-enforcement agency  
123 which does not employ a civil service system for its law-  
124 enforcement personnel: *Provided*, That such require-  
125 ments shall be mandatory for all such law-enforcement  
126 officers until their law-enforcement officials apply for  
127 their exemption by submitting a written plan to the  
128 governor's committee which will reasonably assure com-  
129 pliance of all law-enforcement officers of their agencies  
130 within the applicable two-or five-year period of exemp-  
131 tion.

132 (i) Any person aggrieved by a decision of the gov-  
133 ernor's committee made pursuant to this article may  
134 contest such decision in accordance with the provisions  
135 of article five, chapter twenty-nine-a of this code.

**§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 shall pay  
2 compensation to employees, including, without limita-  
3 tion, wages, salaries, benefits, tuition and expenses for  
4 the employees' attendance at a law-enforcement training  
5 academy. In consideration therefor, the county commis-



6 sion or municipal government may require of its em-  
7 ployees by written agreement entered into with each of  
8 them in advance of such attendance at a training academy  
9 that, if an employee should voluntarily discontinue em-  
10 ployment anytime within one year immediately following  
11 completion of the training curriculum, he or she shall be  
12 obligated to pay to such county commission or municipal  
13 government a pro rata portion of the sum of such com-  
14 pensation equal to that part of such year which the  
15 employee has chosen not to remain in the employ of  
16 the county commission or municipal government.

**§30-29-9. Special railroad police permitted to attend law-en-  
forcement training academies.**

1 Special railroad police officers shall be permitted to  
2 attend law-enforcement training academies for law-en-  
3 forcement officers: *Provided*, That the railroad companies  
4 shall pay a tuition fee in an amount sufficient to pay the  
5 entire cost of training each employee who attends an  
6 academy, which fee shall in no event be less than forty-  
7 five dollars per day: *Provided, however*, That special rail-  
8 road police officers shall be permitted to attend an acad-  
9 emy only as space may be available.

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

*R. P. Bayler*  
Chairman Senate Committee

*Tony E. Whitlow*  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

*Jodd C. Vucko*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Warren F. McInnis*  
President of the Senate

*Harold Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *30*

day of *March*, 1982.

*John Reagan*  
Governor



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SECY. OF STATE