WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED
Committee Substitute for
SENATE BILL NO. 312

(By Ms. Chace)

PASSED ___________________________ MARCH 10, 1982
In Effect _______________ 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 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 designated 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.

§30-29-3. Duties of the governor's committee and the subcommittee.
1 Upon recommendation of the subcommittee, the governor's committee shall, by or pursuant to rule or regulation:
2 (a) Provide funding for the establishment and support of law-enforcement training academies in the state;
3 (b) Establish standards governing the establishment and operation of the law-enforcement training academies, including regional locations throughout the state in order to provide access to each law-enforcement agency in the state in accordance with available funds;
4 (c) Establish minimum law-enforcement instructor qualifications;
5 (d) Certify qualified law-enforcement instructors;
6 (e) Maintain a list of approved law-enforcement instructors;
7 (f) Promulgate standards governing the qualification of law-enforcement officers and the entry level law-enforcement training curricula. These standards shall require satisfactory completion of a minimum of four hundred classroom hours, shall provide for credit to be given for relevant classroom hours earned pursuant to training other than training at an established law-enforcement training academy if earned within five years immediately preceding the date of application for certification, and shall provide that the required classroom hours can be ac-
cumulated on the basis of a part-time curricula spanning no more than twelve months, or a full-time curricula.

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

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

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

(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 pursuant to section four of this article.

§30-29-5. Certification requirements.

(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 person 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 certified: 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 reapplication 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 certifiable 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 requirement 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 certifiable 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 per-
son has been employed as a law-enforcement officer for a period of not less than seven consecutive years immediately preceding the date of application for certification. 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 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) Any person who is employed as a law-enforcement officer on or after the effective date of this article and fails to be certified shall be automatically terminated and no further emoluments shall be paid to such officer by his employer. Any person terminated shall be entitled to reapply, as a private citizen, to the subcommittee for train-
(g) Nothing in this article may be construed as pro-
hibiting any governing body, civil service commission or
chief executive of any West Virginia law-enforcement
agency from requiring their law-enforcement officers to
meet qualifications and satisfactorily complete a course of
law-enforcement instruction which exceed the minimum
entry level law-enforcement qualifications and training
curricula promulgated by the governor's committee.

(h) 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 require-
ments 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 com-
pliance of all law-enforcement officers of their agencies
within the applicable two-or five-year period of exemp-
tion.

(i) Any person aggrieved by a decision of the gov-
ernor's committee made pursuant to this article may
contest such decision in accordance with the provisions
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-
A county commission or municipal government 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 county commission or municipal government a pro rata 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 county commission or municipal government.

§30-29-9. Special railroad police permitted to attend law-enforcement training academies.

Special railroad police officers shall be permitted to attend law-enforcement training academies for law-enforcement officers: Provided, That the railroad companies shall pay a tuition fee in an amount sufficient to pay the entire cost of training each employee who attends an academy, which fee shall in no event be less than forty-five dollars per day: Provided, however, That special railroad police officers shall be permitted to attend an academy only as space may be available.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R.D. Bayles
Chairman Senate Committee

Toney E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J.D. Whick
Clerk of the Senate

C.A. Blakenship
Clerk of the House of Delegates

Walter H. McHarg
President of the Senate

Jay H. Slay Jr.
Speaker House of Delegates

The within is approved this the 30

day of March, 1982.

[Signature]
Governor