WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

Com. Sub. for
HOUSE BILL No. 1100

(By Mr. Blatnik)

Passed February 22, 1983
In Effect from Passage
AN ACT to amend and reenact section five, article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to law-enforcement officer training and certification; and providing an exemption from such training and certification for any law-enforcement officer who has been employed in such capacity for a period of not less than five consecutive years immediately prior to date of certification.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 29. LAW-ENFORCEMENT OFFICER TRAINING AND CERTIFICATION.

§30-29-5. Certification requirements.

1 (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-enforce-
ment 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 ef-
fective date of this article to the governor’s committee re-
questing certification. The governor’s committee shall review
the applicant’s relevant scholastic records and, upon deter-
mining that the applicant has met the requirements for certification,
shall forward to the applicant documentation of certifi-
cation.

(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 person has been employed as a law-enforcement
officer for a period of not less than five 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 ef-
fective date of this article to the governor’s committee re-
questing 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 re-
view 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 training and certification, and upon being certified may again be employed as a law-enforcement officer in this state.

(g) Nothing in this article may be construed as prohibiting 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 exceeds the minimum entry level law-enforcement qualification and training curricula promulgated by the governor's committee.

(b) 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-enforce-
ment 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.

(i) Any person aggrieved by a decision of the governor's
commitee made pursuant to this article may contest such
decision in accordance with the provisions of article five,
chapter twenty-nine-a of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Donald C. Martin  
Chairman House Committee

Originating in the House.
Takes effect from passage.

J. L. Barb
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

W. H. Mobaw  
President of the Senate

H. M. Beel Jr.  
Speaker House of Delegates

The within is approved this the 3rd  

day of March, 1983.

Governor