

No: 1100

APPROVED AND SIGNED BY THE GOVERNOR

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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



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1100

(By MRS. BLATNIK)

(Originating in the House Committee on the Judiciary)

[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,
- 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
5 is 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 person
11 who is not certified, or certifiable in one of the manners
12 specified in subsections (c) through (e) below, may be con-
13 ditionally employed as a law-enforcement officer until cer-
14 tified: *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
17 date, he or she makes a written application to attend an
18 approved law-enforcement training academy. The academy
19 shall notify the applicant in writing of the receipt of the
20 application and of the tentative date of the applicant's en-
21 rollment. Any applicant who, as the result of extenuating
22 circumstances acceptable to his or her law-enforcement of-
23 ficial, is unable to attend the scheduled training program
24 to which he or she was admitted may reapply and shall be
25 admitted to the next regularly scheduled training program.
26 An applicant who satisfactorily completes the program shall,
27 within thirty days of completion, make written application
28 to the governor's committee requesting certification as hav-
29 ing met the minimum entry level law-enforcement qualifi-
30 cation and training program requirements. Upon determin-
31 ing that an applicant has met the requirements for certifi-
32 cation, the governor's committee shall forward to the appli-
33 cant documentation of certification. An applicant who fails
34 to complete the training program to which he or she is first
35 admitted, or was admitted upon reapplication, may not be
36 certified by the governor's committee.

37 (c) Any person who is employed as a law-enforcement
38 officer on the effective date of this article and is a graduate
39 of the West Virginia basic police training course, the West
40 Virginia department of public safety cadet training pro-
41 gram, or other approved law-enforcement training academy,
42 is certifiable as having met the minimum entry law-enforce-

43 ment training program requirements and is exempt from
44 the requirement of attending a law-enforcement training
45 academy. To receive certification, the person shall make
46 written application within ninety calendar days of the ef-
47 fective date of this article to the governor's committee re-
48 questing certification. The governor's committee shall review
49 the applicant's relevant scholastic records and, upon deter-
50 mining that the applicant has met the requirements for certifica-
51 tion, shall forward to the applicant documentation of certifi-
52 cation.

53 (d) Any person who is employed as a law-enforcement
54 officer on the effective date of this article and is not a
55 graduate of the West Virginia basic police training course,
56 the West Virginia department of public safety cadet training
57 program, or other approved law-enforcement training academy,
58 is certifiable as having met the minimum entry level law-
59 enforcement training program requirements and is exempt
60 from the requirement of attending a law-enforcement training
61 academy if the person has been employed as a law-enforcement
62 officer for a period of not less than five consecutive years
63 immediately preceding the date of application for certifica-
64 tion. To receive certification, the person shall make written
65 application within ninety calendar days following the ef-
66 fective date of this article to the governor's committee re-
67 questing certification. The application shall include notarized
68 statements as to the applicant's years of employment as a
69 law-enforcement officer. The governor's committee shall re-
70 view the application and, upon determining that the applicant
71 has met the requirements for certification, shall forward to
72 the applicant documentation of certification.

73 (e) Any person who begins employment on or after the
74 effective date of this article as a law-enforcement officer
75 is certifiable as having met the minimum entry level law-
76 enforcement training program requirements and is exempt
77 from attending a law-enforcement training academy if the
78 person has satisfactorily completed a course of instruction
79 in law enforcement equivalent to or exceeding the minimum
80 applicable law-enforcement training curricula promulgated by
81 the governor's committee. To receive certification, the person

82 shall make written application within ninety calendar days
83 following the commencement of employment to the governor's
84 committee requesting certification. The application shall in-
85 clude a notarized statement of the applicant's satisfactory com-
86 pletion of the course of instruction in law enforcement, a
87 notarized transcript of the applicant's relevant scholastic re-
88 cords, and a notarized copy of the curriculum of the completed
89 course of instruction. The governor's committee shall review
90 the application and, if it finds the applicant has met the
91 requirements for certification, shall forward to the applicant
92 documentation of certification.

93 (f) Any person who is employed as a law-enforcement offi-
94 cer on or after the effective date of this article and fails to
95 be certified shall be automatically terminated and no further
96 emoluments shall be paid to such officer by his employer.
97 Any person terminated shall be entitled to reapply, as a private
98 citizen, to the subcommittee for training and certification, and
99 upon being certified may again be employed as a law-enforce-
100 ment officer in this state.

101 (g) Nothing in this article may be construed as prohibiting
102 any governing body, civil service commission or chief execu-
103 tive of any West Virginia law-enforcement agency from re-
104 quiring their law-enforcement officers to meet qualifications
105 and satisfactorily complete a course of law-enforcement instruc-
106 tion which exceeds the minimum entry level law-enforcement
107 qualification and training curricula promulgated by the gov-
108 ernor's committee.

109 (b) The requirement of this section for qualification, train-
110 ing and certification of law-enforcement officers shall not
111 be mandatory during the two years next succeeding the effec-
112 tive date of this article for the law-enforcement officers of a
113 law-enforcement agency which employs a civil service system
114 for its law-enforcement personnel, nor shall such provisions be
115 mandatory during the five years next succeeding the effective
116 date of this article for law-enforcement officers of a law-
117 enforcement agency which does not employ a civil service
118 system for its law-enforcement personnel: *Provided*, That
119 such requirements shall be mandatory for all such law-enforce-

120 ment officers until their law-enforcement officials apply for
121 their exemption by submitting a written plan to the governor's
122 committee which will reasonably assure compliance of all
123 law-enforcement officers of their agencies within the applic-
124 able two or five-year period of exemption.

125 (i) Any person aggrieved by a decision of the governor's
126 committee made pursuant to this article may contest such
127 decision in accordance with the provisions of article five,
128 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

David Appella
Chairman House Committee

Originating in the House.

Takes effect from passage.

Todd C. Hule
Clerk of the Senate

Donald L. Hoop
Clerk of the House of Delegates

Warren P. Mahan
President of the Senate

Walter M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *3*
day of *March*, 1983.

John R. Poyner
Governor