WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED
Committee Substitute for
SENATE BILL NO. 367

(By Senator Torkovich, Mr. President, et al.)

PASSED March 8, 1986

In Effect 90 days from Passage
AN ACT to amend and reenact sections four, nine and ten, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article two by adding thereto a new section, designated section one-a, relating to the West Virginia department of public safety rank restructure act; effective date; the appointment of commissioned officers; promotions and the establishment of a promotion evaluation board; the uniforms; and other activities of the department.

Be it enacted by the Legislature of West Virginia:

That sections four, nine and ten, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article two be further amended by adding thereto a new section, designated section one-a, all to read as follows:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-1a. West Virginia department of public safety rank restructure act.

1 There is hereby created, on and after the first day of July,
one thousand nine hundred eighty-seven, the "West Virginia Department of Public Safety Rank Restructure Act." The superintendent shall, only in the initial implementation of the rank restructure act, promote members without benefit or requirement of a promotion evaluation board process as long as those advanced in rank hold the present rank immediately preceding that rank to which they are advanced in accordance with the new rank structure, i.e., master or first sergeant shall be promoted to second lieutenant; lieutenants shall be promoted to first lieutenants; sergeants shall be promoted to master or first sergeant; corporals shall be promoted to sergeant and trooper first class shall be promoted to corporal so long as persons promoted hold those ranks which are being advanced by this act to the next higher rank.

§15-2-4. Appointment of commissioned officers, noncommissioned officers, other members; temporary and permanent positions.

The superintendent shall appoint, from the enlisted membership of the department, a deputy superintendent who shall hold the rank of lieutenant colonel and be next in authority to the superintendent. The superintendent shall appoint, from the enlisted membership of the department, the number of other officers and members he deems necessary to operate and maintain the executive offices, training school, scientific laboratory, keep records relating to crimes and criminals, coordinate traffic safety activities, maintain a system of supplies and accounting and perform other necessary services.

The ranks within the membership of the department shall be colonel, lieutenant colonel, major, captain, lieutenant, master sergeant, first sergeant, sergeant, corporal, trooper first class or trooper. On and after the first day of July, one thousand nine hundred eighty-seven, the rank of lieutenant within the membership of the department shall be changed to first lieutenant and second lieutenant. Each such member while in uniform shall wear the insignia of rank as provided by law and departmental regulations.

The superintendent may appoint from the membership of the department eleven principal supervisors who shall receive the compensation and hold the temporary rank of
lieutenant colonel, major or captain at the will and pleasure of the superintendent. Such appointments shall be exempt from any merit standards established by the promotion evaluation board. Any person appointed to a temporary rank under the provisions of this article shall retain his permanent rank and shall remain eligible for promotion if his permanent rank is below that of captain. Upon the termination of a temporary appointment by the superintendent, the member shall be entitled to the full rights and privileges of his permanent rank and shall remain eligible for subsequent appointment to a temporary rank.

§15-2-9. Promotions; promotion evaluation board to be established.

1 The superintendent shall establish within the department of public safety a promotion evaluation board, which shall be representative of commissioned and noncommissioned officers within the department. The promotion evaluation board shall prescribe merit standards for promotion and maintain lists of eligible candidates.

2 The superintendent shall promote a member to the permanent rank of trooper first class, corporal, sergeant, first sergeant, master sergeant or lieutenant, and, on and after the first day of July, one thousand nine hundred eighty-seven, second lieutenant or first lieutenant from among the top three names on the current list of eligible candidates established by the promotion evaluation board for each rank.

§15-2-10. Uniforms; authorized equipment, weapons and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

1 (a) The standard uniform to be used by the department of public safety after the effective date of this article shall be as follows: Forestry green blouse with West Virginia state police emblem on sleeve; black shoulder strap, one-inch black stripe around sleeve, four inches from end of sleeve; forestry green breeches with one-inch black stripe down the side; trousers (slacks) with one-inch black stripe
down the side for officers and clerks regularly enlisted in
the department; forestry green shirts with West Virginia
state police emblem on sleeve; black shoulder straps;
forestry green mackinaw with West Virginia state police
emblem on sleeve; black shoulder straps; one-inch black
stripe around sleeve four inches from end of sleeve;
campaign hat of olive drab color; black Sam Browne belt
with holster; black leggings and shoes; the officer's uniform
will have one and one-quarter inch black stripe around the
sleeve of blouse and mackinaw four inches from end of
sleeve circumposed with one-half inch gold braid, also
black collars on blouse, with two silver shoulder bars for
captains, one silver shoulder bar for first lieutenant, one
gold shoulder bar for second lieutenant. For
noncommissioned officers the uniform blouse and shirt will
have thereon black chevrons of the appropriate rank.
(b) The superintendent shall establish the weapons and
enforcement equipment which shall be authorized for use
by members of the department, and shall provide for
periodic inspection of such weapons and equipment. He
shall provide for the discipline of members using other than
authorized weapons and enforcement equipment.
(c) The superintendent shall provide the members of the
department with suitable arms and weapons, and, when he
deems it necessary, with suitably equipped automobiles,
motorcycles, watercraft, airplanes and other means of
conveyance, to be used by the department of public safety,
the governor, and other officers and executives in the
discretion of the governor, in times of flood, disaster, and
other emergencies, for traffic study and control, criminal
and safety work, and in other matters of official business.
He shall also provide the standard uniforms for all members
of the department, for officers, noncommissioned officers
and troopers herein provided for. All uniforms and all arms,
weapons and other property furnished the members of the
department by the state of West Virginia shall be and
remain the property of the state.
(d) The superintendent is authorized to purchase and
maintain on behalf of members group life insurance not to
exceed the amount of five thousand dollars on behalf of
each member.
(e) The superintendent is authorized to contract and
furnish at department expense medical and hospital services for treatment of illness or injury of a member which shall be determined by the superintendent to have been incurred by such member while engaged in the performance of duty and from causes beyond control of such members. (f) The superintendent shall establish and maintain local headquarters at such places in West Virginia as are in his judgment suitable and proper to render the department of public safety most efficient for the purpose of preserving the peace, protecting property, preventing crime, apprehending criminals and carrying into effect all other provisions of this article. The superintendent shall provide, by lease or otherwise, for housing and quarters for the accommodation of the members of the department of public safety, and shall provide all equipment and supplies necessary for them to perform their duties.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams  
Chairman Senate Committee

Floyce Tickle  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Ed S. Will  
Clerk of the Senate

Donald L. Kapp  
Clerk of the House of Delegates

President of the Senate

Joseph P. Alleva  
Speaker House of Delegates

The within is passed this the 25th day of March, 1986.

Mrs. Betty J. Persinger  
Governor