WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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ENROLLED

Comm. Sub. for
HOUSE BILL No. 2141

(By Delegate Roop & House)

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Passed March 2, 1987

In Effect Ninety Days From Passage
AN ACT to amend article one-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two; and to amend and reenact section three, article seven, chapter sixty-one of said code, all relating to the training and certification of national guard security guards as law-enforcement officers; granting such security guards the power to make arrests on military installations; and making an exception to the prohibition against carrying dangerous weapons for members of the organized militia of the state while such members are employed as security guards to safeguard military property under the command of the adjutant general.

Be it enacted by the Legislature of West Virginia:

That article one-b, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, and that section three, article seven, chapter sixty-one of said code, be amended and reenacted, all to read as follows:
CHAPTER 15. PUBLIC SAFETY.

ARTICLE 1B. NATIONAL GUARD.

§15-1B-22. Military facilities; security guards; qualifications; duties; powers.

(a) Notwithstanding any provision of this code to the contrary, bona fide members of the West Virginia National Guard assigned by the adjutant general to function as security guards to safeguard military property of the state or of the United States who have successfully completed a training program in law enforcement approved by the adjutant general and the superintendent of the West Virginia Department of Public Safety, shall be deemed to have met all the requirements for certification as a law-enforcement officer set forth in section five, article twenty-nine, chapter thirty of this code. Those members of the West Virginia National Guard who are so designated as security guards and who have successfully completed such training program are hereby empowered:

(1) To make arrests on military installations of the state or of the United States for any violations of the law of this state or of the United States occurring on any such military installation; and

(2) To cooperate with state and local authorities in detecting and apprehending any person or persons engaged in or suspected of the commission of any crime, misdemeanor or offense against the law of this state or of the United States, or of any ordinance of any municipality of this state if such is committed or attempted to be committed on a military installation in this state.

(b) Any security guard, duly appointed by the adjutant general, knowing or having reasonable cause to believe that a person has violated the law while situate on a military installation, may make complaint in writing before any court or officer having jurisdiction and procure a warrant for such person.

(c) For the purposes of this section, the term "military installation" shall mean a facility under the command of the adjutant general.
CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-3. Exceptions as to prohibition against carrying deadly weapons.

1 Nothing in this article shall prevent any person from carrying any such weapon as is mentioned in the first section of this article, in good faith and not having felonious purposes, upon his own premises; nor shall anything herein prevent a person from carrying any such weapon, unloaded, from the place of purchase to his home or residence, or to a place of repair and back to his home or residence; nor shall anything herein prevent a guard at the West Virginia penitentiary duly appointed in conformity with section five, article five, chapter twenty-eight of the code of West Virginia, from carrying any such weapon while on duty; nor shall anything herein prevent a bona fide member of the organized militia of this state, or of the reserve officers component of the United States army, from carrying such weapon while in the performance of his official duties as such; nor shall anything herein prevent any member of the organized militia of this state, whether designated a civilian or otherwise, and whether in the active service of the state or on state duty or otherwise, from carrying such weapon during the hours such member is employed as a security guard to safeguard military property of the state or of the United States and while such member is on facilities under the command of the adjutant general; nor shall anything herein prevent any member of a properly organized target-shooting club authorized by law to obtain firearms by purchase or requisition from this state, or from the United States for the purpose of target practice, from carrying any revolver or pistol mentioned in this article, unloaded, from his home or place of residence to a place of target practice, and from any such place of target practice back to his home or residence, or using any such weapon at such place of target practice in training and improving his skill in the use of such weapons; but nothing herein shall be construed to authorize any employee of any person, firm or corporation doing
38 business in this state to carry, on or about the premises
39 of such employer, any such pistol, or other weapon
40 mentioned in this article, for which a license is herein
41 required, without having first obtained the license and
42 given the bond as herein provided.

43 The term "security guard" as used in this section shall
44 not be limited to only those persons with a military
45 designation as such security guard.

46 Notwithstanding any other provision of this article or
47 any other provision of this code, any resident, nonres-
48 ident or unnaturalized person may lawfully possess,
49 transport, carry and use any firearm he is permitted to
50 use for hunting under any valid license he has been
51 issued by the department of natural resources and
52 which he holds in his possession. At all times such
53 person shall comply with all of the requirements of law
54 set forth in this code and the rules and regulations
55 promulgated thereunder pertaining to possessing,
56 transporting, carrying and using firearms for hunting.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 9th day of March, 1987.

Governor