WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

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ENROLLED

HOUSE BILL No. 4740

(By Delegate Fraley)

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Passed March 10, 1990

In Effect July 1, 1990
AN ACT to amend and reenact section twelve, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the reimbursement by the division of motor vehicles to the division of public safety for services rendered.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. DIVISION OF PUBLIC SAFETY.

§15-2-12. Mission of the division; powers of superintendent, officers and members; patrol of turnpike.

(a) The West Virginia division of public safety shall have the mission of statewide enforcement of criminal and traffic laws with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state and maintaining the safety of the state’s public streets, roads and highways.

(b) The superintendent and each of the officers and members of the division are hereby empowered:

(1) To make arrests anywhere within the state of any persons charged with the violation of any law of this state, or of the United States, and when a witness to the
perpetration of any offense or crime, or to the violation
of any law of this state, or of the United States, may
arrest without warrant; to arrest and detain any persons
suspected of the commission of any felony or misdemea-
nor whenever complaint is made and warrant is issued
thereon for such arrest, and any person so arrested shall
be forthwith brought before the proper tribunal for
examination and trial in the county where the offense
for which any such arrest has been made was
committed;

(2) To serve criminal process issued by any court or
magistrate anywhere within this state (they shall not
serve civil process); and

(3) To cooperate with local authorities in detecting
crime and in 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 in this state; and to take affidavits in
connection with any application to the division of
highways, division of motor vehicles and division of
public safety of West Virginia for any license, permit
or certificate that may be lawfully issued by these
division of state government.

(c) Members of the division of public safety are
hereby created forest patrolmen and game and fish
wardens throughout the state to do and perform any
duties and exercise any powers of such officers, and may
apprehend and bring before any court or magistrate
having jurisdiction of such matters, anyone violating
any of the provisions of chapters twenty, sixty and sixty-
one of this code, and the division of public safety shall
at any time be subject to the call of the West Virginia
alcohol beverage control commissioner to aid in appre-
hending any person violating any of the provisions of
said chapter sixty of this code. They shall serve and
execute warrants for the arrest of any person and
warrants for the search of any premises issued by any
properly constituted authority, and shall exercise all of
the powers conferred by law upon a sheriff. They shall
not serve any civil process or exercise any of the powers
of such officer in civil matters.

(d) Any member of the division of public safety knowing or having reason to believe that anyone has violated the law may make complaint in writing before any court or officer having jurisdiction and procure a warrant for such offender, execute the same and bring such person before the proper tribunal having jurisdiction. He shall make return on all such warrants to such tribunals and his official title shall be “member of the division of public safety.” Members of the division of public safety may execute any summons or process issued by any tribunal having jurisdiction requiring the attendance of any person as a witness before such tribunal and make return thereon as provided by law, and any return by a member of the division of public safety showing the manner of executing such warrant or process shall have the same force and effect as if made by a sheriff.

(e) Each member of the division of public safety, when called by the sheriff of any county, or when the governor by proclamation so directs, shall have full power and authority within such county, or within the territory defined by the governor, to direct and command absolutely the assistance of any sheriff, deputy sheriff, chief of police, policeman, game and fish warden, and peace officer of the state, or of any county or municipality therein, or of any able-bodied citizen of the United States, to assist and aid in accomplishing the purposes expressed in this article. When so called, any officer or person shall, during the time his assistance is required, be for all purposes, a member of the division of public safety and subject to all the provisions of this article.

(f) The superintendent may also assign members of the division to perform police duties on any turnpike or toll road, or any section thereof, operated by the West Virginia turnpike commission: Provided, That such turnpike commission shall reimburse the division of public safety for salaries paid to such members, and shall either pay directly or reimburse the division for all other expenses of such group of members in
according with actual or estimated costs determined by
the superintendent.

(g) The division of public safety may develop propos-
als for a comprehensive county or multi-county plan on
the implementation of an enhanced emergency service
telephone system and for causing a public meeting on
such proposals, all as set forth in section six-a, article
six, chapter twenty-four of this code.

(h) The superintendent may also assign members of
the division to administer tests for the issuance of
commercial drivers’ licenses, operator and junior
operator licenses as provided for in section seven, article
two, chapter seventeen-b of this code: Provided, That the
division of motor vehicles shall reimburse the division
of public safety for salaries and employee benefits paid
to such members, and shall either pay directly or
reimburse the division for all other expenses of such
group of members in accordance with actual costs
determined by the superintendent.

(i) The superintendent shall be reimbursed by the
division of motor vehicles for salaries and employee
benefits paid to members of the division of public safety,
and shall either be paid directly or reimbursed by the
division of motor vehicles for all other expenses of such
group of members in accordance with actual costs
determined by the superintendent, for services per-
formed by such members relating to the duties and
obligations of the division of motor vehicles set forth in
chapters seventeen, seventeen-a, seventeen-b, seventeen-
c and seventeen-d of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect July 1, 1990.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 31st day of __________________, 1990.

[Signature]
Governor