

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

— ● —

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WEST VIRGINIA LEGISLATURE

HOUSE BILL No. 4740

(By  Delegate Farley )

— ● —

Passed March 10, 1990

In Effect July 1, 1990 ~~Passage~~

**ENROLLED**  
**H. B. 4740**

(By DELEGATE FARLEY)

[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.**

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

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

9 (1) To make arrests anywhere within the state of any  
10 persons charged with the violation of any law of this  
11 state, or of the United States, and when a witness to the

12 perpetration of any offense or crime, or to the violation  
13 of any law of this state, or of the United States, may  
14 arrest without warrant; to arrest and detain any persons  
15 suspected of the commission of any felony or misdemea-  
16 nor whenever complaint is made and warrant is issued  
17 thereon for such arrest, and any person so arrested shall  
18 be forthwith brought before the proper tribunal for  
19 examination and trial in the county where the offense  
20 for which any such arrest has been made was  
21 committed;

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

25 (3) To cooperate with local authorities in detecting  
26 crime and in apprehending any person or persons  
27 engaged in or suspected of the commission of any crime,  
28 misdemeanor or offense against the law of this state, or  
29 of the United States, or of any ordinance of any  
30 municipality in this state; and to take affidavits in  
31 connection with any application to the division of  
32 highways, division of motor vehicles and division of  
33 public safety of West Virginia for any license, permit  
34 or certificate that may be lawfully issued by these  
35 division of state government.

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

53 of such officer in civil matters.

54 (d) Any member of the division of public safety  
55 knowing or having reason to believe that anyone has  
56 violated the law may make complaint in writing before  
57 any court or officer having jurisdiction and procure a  
58 warrant for such offender, execute the same and bring  
59 such person before the proper tribunal having jurisdic-  
60 tion. He shall make return on all such warrants to such  
61 tribunals and his official title shall be "member of the  
62 division of public safety." Members of the division of  
63 public safety may execute any summons or process  
64 issued by any tribunal having jurisdiction requiring the  
65 attendance of any person as a witness before such  
66 tribunal and make return thereon as provided by law,  
67 and any return by a member of the division of public  
68 safety showing the manner of executing such warrant  
69 or process shall have the same force and effect as if  
70 made by a sheriff.

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

86 (f) The superintendent may also assign members of  
87 the division to perform police duties on any turnpike or  
88 toll road, or any section thereof, operated by the West  
89 Virginia turnpike commission: *Provided*, That such  
90 turnpike commission shall reimburse the division of  
91 public safety for salaries paid to such members, and  
92 shall either pay directly or reimburse the division for  
93 all other expenses of such group of members in

94 accordance with actual or estimated costs determined by  
95 the superintendent.

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

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

113 (i) The superintendent shall be reimbursed by the  
114 division of motor vehicles for salaries and employee  
115 benefits paid to members of the division of public safety,  
116 and shall either be paid directly or reimbursed by the  
117 division of motor vehicles for all other expenses of such  
118 group of members in accordance with actual costs  
119 determined by the superintendent, for services per-  
120 formed by such members relating to the duties and  
121 obligations of the division of motor vehicles set forth in  
122 chapters seventeen, seventeen-a, seventeen-b, seventeen-  
123 c and seventeen-d of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frederick J. Pike*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1990.

*Samuel E. Ebbins*  
Clerk of the Senate

*Donald G. Kopp*  
Clerk of the House of Delegates

*Keith Santelle*  
President of the Senate

*Robert Stoll*  
Speaker of the House of Delegates

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

*Justin Cameron*  
Governor

PRESENTED TO THE:

GOVERNOR

Date

3/28/90

Time

2:10 PM