ENROLLED
Committee Substitute for
SENATE BILL NO. 409

(By Senator Lucht, et al)

PASSED March 7, 1992
In Effect from Passage
AN ACT to amend and reenact section five, article four, chapter eighteen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section five-a; and to amend and reenact section one, article twenty-nine, chapter thirty of said code, relating to campus security officers; defining such officers as law-enforcement officers; allowing supervisor to exempt officers from required training; requiring reports of crimes alleged to have occurred at institutions of higher education in this state be referred to law-enforcement agencies and reported to public by rule with exceptions.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 4. GENERAL ADMINISTRATION.

§18B-4-5. Security officers; appointment; qualifications; authority; compensation and removal.

1 The governing boards are hereby authorized to
2 appoint bona fide residents of this state to act as
3 security officers upon any premises owned or leased
4 by the state of West Virginia and under the jurisdic-
5 tion of the governing boards, subject to the conditions
6 and restrictions hereinafter imposed. Before perform-
7 ing duties as a security officer in any county, each
8 person so appointed shall qualify therefor in the same
9 manner as is required of county officers by the taking
10 and filing an oath of office as required by article one,
11 chapter six of this code and by posting an official bond
12 as required by article two, chapter six of this code. No
13 security officer shall have authority to carry a gun or
14 any other dangerous weapon until a license therefor
15 has been obtained in the manner prescribed by section
16 two, article seven, chapter sixty-one of this code.

17 It shall be the duty of any person so appointed and
18 qualified to preserve law and order on any premises
19 under the jurisdiction of the governing boards and on
20 any other street, road or thoroughfare, except con-
21 trolled access and open country highways, adjacent to
22 or passing through such premises, to which the person
23 may be assigned by the president or other administra-
24 tive head of the state institution of higher education.
25 For this purpose the security officer shall be deemed
26 to be a law-enforcement officer in accordance with the
27 provisions of section one, article twenty-nine, chapter
28 thirty of this code and, as to offenses committed within
29 any area so assigned, have and may exercise all the
30 powers and authority and shall be subject to all the
31 requirements and responsibilities of a law-
32 enforcement officer: Provided, That the supervisor of
33 any security officer employed on the effective date of
34 this section may exempt such officer from any law-
enforcement training required in said article twenty-nine. The assignment of security officers to the duties authorized by this section shall not be deemed to supersede in any way the authority or duty of other peace officers to preserve law and order on such premises. In addition, the security officers appointed under provisions of this section shall have authority to assist local peace officers on public highways in the control of traffic in and around premises owned by the state of West Virginia whenever such traffic is generated as a result of athletic or other activities conducted or sponsored by a state institution of higher education and when such assistance has been requested by the local peace officers.

The salary of all such security officers shall be paid by the appropriate governing board. Each state institution may furnish each such security officer with an official uniform to be worn while on duty and shall furnish and require each such officer while on duty to wear a shield with an appropriate inscription and to carry credentials certifying to the person's identity and authority as a security officer.

The governing boards may at their pleasure revoke the authority of any security officer. The president or other administrative head of the state institution of higher education shall report the termination of employment of a security officer by filing a notice to that effect in the office of the clerk of each county in which the security officer's oath of office was filed, and in the case of a security officer licensed to carry a gun or other dangerous weapon, by notifying the clerk of the circuit court of the county in which the license therefor was granted.

§18B-4-5a. Crimes committed on campus of institutions of higher education.

The president or a designee of each institution of higher education in this state shall on a regular and timely basis provide information to the public concerning alleged crimes occurring on the institution's property which have been reported to a security
officer or any other officer of the institution. A crime shall be deemed reported whenever a security officer or other officer of the institution determines that the report is credible, when the report is submitted in writing and attested to by the victim on such forms as shall be made available by the institution for such purpose, or when the institution is notified by a law-enforcement agency of the reporting of a crime alleged to have occurred on the institution's property.

Such reports shall be referred within twenty-four hours to the appropriate law-enforcement agencies, as defined in section one, article twenty-nine, chapter thirty of this code, for further investigation. The information required to be made available to the public regarding the crime report shall be so available within ten days of the report and shall include the nature of the criminal offense, the date of the offense, the general location of the offense (such as a designation of a specific building or area of the campus) and the time of day when the offense occurred; Provided, That this requirement shall not be construed to require the release of any information which may disclose the identity of the victim; Provided, however, that the institution shall withhold the information required to be made available to the public for a longer period upon certification of investigative need that the information be withheld from the public, such certification to be filed by an officer of one of the investigating law-enforcement agencies with the president of the institution or the designee to whom the duties required by this section have been delegated; Provided further, That the required information shall in no event be withheld after an arrest has been made in connection with the crime report.

For purposes of this section, "crime" shall be defined as those offenses required to be reported under the federal Crime Awareness and Campus Security Act of 1990, as amended, and under section eight-a, article one of this chapter, and shall include murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, and arrests for liquor, drug or
The governing boards shall provide crime reporting forms and promulgate such legislative rules pursuant to the provisions of article three-a, chapter twenty-nine-a of this code as are necessary for the implementation of this section. Such forms and rules shall be provided by the central office to other institutions of higher education in this state to assist them with the implementation of this section.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

For the purposes of this article, unless a different meaning clearly appears in the context:

"Approved law-enforcement training academy" means any training facility which is approved and authorized to conduct law-enforcement training as provided in this article;

"Chief executive" means the superintendent of the department of public safety; the chief conservation officer, department of natural resources; the sheriff of any West Virginia county; or the chief of any West Virginia municipal law-enforcement agency;

"County" means the fifty-five major political subdivisions of the state;

"Exempt rank" means any noncommissioned or commissioned rank of sergeant or above;

"Governor's committee on crime, delinquency and correction" or "governor's committee" means the governor's committee on crime, delinquency and corrections established as a state planning agency pursuant to section one, article nine, chapter fifteen of this code;

"Law-enforcement officer" means any duly authorized member of a law-enforcement agency who is authorized to maintain public peace and order, prevent and detect crime, make arrests, and enforce the
laws of the state or any county or municipality thereof, other than parking ordinances, and shall include those persons employed as security officers at state institutions of higher education in accordance with the provisions of section five, article four, chapter eighteen-b of this code, although no such institution shall be deemed a law-enforcement agency. As used in this article, the term “law-enforcement officer” does not apply to the chief executive of any West Virginia law-enforcement agency or any watchman or special conservation officer;

“Law-enforcement official” means the duly appointed chief administrator of a designated law-enforcement agency or a duly authorized designee;

“Municipality” means any incorporated town or city whose boundaries lie within the geographic boundaries of the state;

“Subcommittee” or “law-enforcement training subcommittee” means the subcommittee of the governor’s committee on crime, delinquency and correction created by section two of this article; and

“West Virginia law-enforcement agency” means any duly authorized state, county or municipal organization employing one or more persons whose responsibility is the enforcement of laws of the state or any county or municipality thereof: Provided, That no state institution of higher education shall be deemed a law-enforcement agency.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved, this the 30th day of ........................... 1992.

Governor