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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

ENROLLED

Committee Substitute for
SENATE BILL NO. 409

(By Senator Lucht, et al)

PASSED March 7, 1992
In Effect from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 409

(SENATORS LUCHT, JONES, FELTON, J. MANCHIN,
HECK, HOLLIDAY, BLATNIK AND WEHRLE, *original sponsors*)

[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-

35 enforcement training required in said article twenty-
36 nine. The assignment of security officers to the duties
37 authorized by this section shall not be deemed to
38 supersede in any way the authority or duty of other
39 peace officers to preserve law and order on such
40 premises. In addition, the security officers appointed
41 under provisions of this section shall have authority to
42 assist local peace officers on public highways in the
43 control of traffic in and around premises owned by the
44 state of West Virginia whenever such traffic is gener-
45 ated as a result of athletic or other activities conducted
46 or sponsored by a state institution of higher education
47 and when such assistance has been requested by the
48 local peace officers.

49 The salary of all such security officers shall be paid
50 by the appropriate governing board. Each state institu-
51 tion may furnish each such security officer with an
52 official uniform to be worn while on duty and shall
53 furnish and require each such officer while on duty to
54 wear a shield with an appropriate inscription and to
55 carry credentials certifying to the person's identity
56 and authority as a security officer.

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

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

1 The president or a designee of each institution of
2 higher education in this state shall on a regular and
3 timely basis provide information to the public con-
4 cerning alleged crimes occurring on the institution's
5 property which have been reported to a security

6 officer or any other officer of the institution. A crime
7 shall be deemed reported whenever a security officer
8 or other officer of the institution determines that the
9 report is credible, when the report is submitted in
10 writing and attested to by the victim on such forms as
11 shall be made available by the institution for such
12 purpose, or when the institution is notified by a law-
13 enforcement agency of the reporting of a crime alleged
14 to have occurred on the institution's property.

15 Such reports shall be referred within twenty-four
16 hours to the appropriate law-enforcement agencies, as
17 defined in section one, article twenty-nine, chapter
18 thirty of this code, for further investigation. The
19 information required to be made available to the
20 public regarding the crime report shall be so available
21 within ten days of the report and shall include the
22 nature of the criminal offense, the date of the offense,
23 the general location of the offense (such as a designa-
24 tion of a specific building or area of the campus) and
25 the time of day when the offense occurred: *Provided*,
26 That this requirement shall not be construed to
27 require the release of any information which may
28 disclose the identity of the victim: *Provided, however*,
29 That the institution shall withhold the information
30 required to be made available to the public for a
31 longer period upon certification of investigative need
32 that the information be withheld from the public, such
33 certification to be filed by an officer of one of the
34 investigating law-enforcement agencies with the
35 president of the institution or the designee to whom
36 the duties required by this section have been dele-
37 gated: *Provided further*, That the required informa-
38 tion shall in no event be withheld after an arrest has
39 been made in connection with the crime report.

40 For purposes of this section, "crime" shall be
41 defined as those offenses required to be reported
42 under the federal Crime Awareness and Campus
43 Security Act of 1990, as amended, and under section
44 eight-a, article one of this chapter, and shall include
45 murder, rape, robbery, aggravated assault, burglary,
46 motor vehicle theft, and arrests for liquor, drug or

47 weapons laws violations.

48 The governing boards shall provide crime reporting
49 forms and promulgate such legislative rules pursuant
50 to the provisions of article three-a, chapter twenty-
51 nine-a of this code as are necessary for the implemen-
52 tation of this section. Such forms and rules shall be
53 provided by the central office to other institutions of
54 higher education in this state to assist them with the
55 implementation of this section.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-1. Definitions.

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

3 “Approved law-enforcement training academy”
4 means any training facility which is approved and
5 authorized to conduct law-enforcement training as
6 provided in this article;

7 “Chief executive” means the superintendent of the
8 department of public safety; the chief conservation
9 officer, department of natural resources; the sheriff of
10 any West Virginia county; or the chief of any West
11 Virginia municipal law-enforcement agency;

12 “County” means the fifty-five major political subdi-
13 visions of the state;

14 “Exempt rank” means any noncommissioned or
15 commissioned rank of sergeant or above;

16 “Governor’s committee on crime, delinquency and
17 correction” or “governor’s committee” means the
18 governor’s committee on crime, delinquency and
19 corrections established as a state planning agency
20 pursuant to section one, article nine, chapter fifteen of
21 this code;

22 “Law-enforcement officer” means any duly autho-
23 rized member of a law-enforcement agency who is
24 authorized to maintain public peace and order, pre-
25 vent and detect crime, make arrests, and enforce the

26 laws of the state or any county or municipality
27 thereof, other than parking ordinances, and shall
28 include those persons employed as security officers at
29 state institutions of higher education in accordance
30 with the provisions of section five, article four, chapter
31 eighteen-b of this code, although no such institution
32 shall be deemed a law-enforcement agency. As used in
33 this article, the term "law-enforcement officer" does
34 not apply to the chief executive of any West Virginia
35 law-enforcement agency or any watchman or special
36 conservation officer;

37 "Law-enforcement official" means the duly
38 appointed chief administrator of a designated law-
39 enforcement agency or a duly authorized designee;

40 "Municipality" means any incorporated town or city
41 whose boundaries lie within the geographic bound-
42 aries of the state;

43 "Subcommittee" or "law-enforcement training
44 subcommittee" means the subcommittee of the gover-
45 nor's committee on crime, delinquency and correction
46 created by section two of this article; and

47 "West Virginia law-enforcement agency" means any
48 duly authorized state, county or municipal organiza-
49 tion employing one or more persons whose responsi-
50 bility is the enforcement of laws of the state or any
51 county or municipality thereof: *Provided*, That no
52 state institution of higher education shall be deemed a
53 law-enforcement agency.

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

Lorne Leck
.....
Chairman Senate Committee

.....*Ernest C. Moore*.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Parrell Bell
.....
Clerk of the Senate

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

Full Fudite
.....
President of the Senate

Pat
.....
Speaker House of Delegates

The within *is appended* this the *30th*
day of *March*, 1992.

Victor Kaper
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/92

Time 4:55 pm