WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED

HOUSE BILL No. 2293

(By Delegate Mr. Speaker, Mr. Chamber, et al.)

Passed April 10, 1993

In Effect 90 days from Passage
ENROLLED  
H. B. 2293  
(BY MR. SPEAKER, MR. CHAMBERS, AND DELEGATES MARTIN AND MEZZATESTA)  

[Passed April 10, 1993; in effect ninety days from passage.]  

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 powers of the superintendent of the division of public safety; and authorizing the sale of surplus real property.

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. DEPARTMENT 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 misdemeanor 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 divisions 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 apprehending 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 jurisdic-
tion. 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 munici-
pality 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 parkways, economic development and tourism
authority: Provided, That such authority shall reim-
burse the division of public safety for salaries paid to
such members, and shall either pay directly or reim-
burse the division for all other expenses of such group of members in accordance with actual or estimated costs determined by the superintendent.

(g) The division of public safety may develop proposals for a comprehensive county or multicounty 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 performed 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.

(j) By the first day of July, one thousand nine hundred ninety-three, the superintendent shall establish a network to implement reports of the disappearance of children by local law-enforcement agencies to local school division superintendents and the state registrar of vital statistics. The network shall be designed to establish cooperative arrangements between local law-enforcement agencies and local school divisions concerning reports of missing children and notices to law-
enforcement agencies of requests for copies of the cumulative records and birth certificates of missing children. The network shall also establish a mechanism for reporting the identities of all missing children to the state registrar of vital statistics.

(k) The superintendent may at his discretion and upon the written request of the West Virginia alcohol beverage control commissioner assist the commissioner in the coordination and enforcement of the alcohol beverage control act and the general law concerning nonintoxicating beer and wine.

(l) Notwithstanding the provisions of article one-a, chapter twenty of this code, the superintendent of the division of public safety may sell any surplus property to which the division of public safety or its predecessors retain title, and deposit the net proceeds into a special revenue account to be utilized for the purchase of additional real property and for repairs to or construction of detachment offices or other facilities required by the division of public safety. There is hereby created a special revolving fund in the state treasury which shall be designated as the surplus real property proceeds fund. The fund shall consist of all money received from the sale of surplus real property owned by the division of public safety. Moneys deposited in the fund shall only be available for expenditure upon appropriation by the Legislature: Provided, That amounts collected which are found from time to time to exceed the funds needed for the purposes set forth in this subsection may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature.
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 was approved this the 3rd day of July 1993.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/22/93
Time 11:25 AM