WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

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ENROLLED

HOUSE BILL No. 2427

(By Delegates Manuel, Collins, Trump)

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Passed March 10, 1995

In Effect 90 Days From Passage
AN ACT to amend and reenact section four, article ten, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clarifying the authority of federal, state, municipal and county law-enforcement agencies to provide mutual assistance on a multijurisdictional basis.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.


1. (a) The head of any law-enforcement agency as defined in section three of this article may temporarily provide assistance and cooperation to another agency of the state criminal justice system or to a federal law-enforcement agency in investigating crimes or possible criminal activity if requested to do so in writing by the head of another law-enforcement agency or federal law-enforcement agency. Such assistance may also be provided upon the request of the head of the
law-enforcement agency or federal law-enforcement
agency without first being reduced to writing in emergen­
cy situations involving the imminent risk of loss of life or
serious bodily injury. The assistance may include, but is
not limited to, entering into a multijurisdictional task force
agreement to integrate federal, state, county and municipal
law-enforcement agencies or any combination thereof, for
the purpose of enhancing interagency coordination,
intelligence gathering, facilitating multijurisdictional
investigations, providing criminal justice enforcement
personnel of the law-enforcement agency to work tempo­
rarily with personnel of another agency, including in an
undercover capacity, and making available equipment,
training, technical assistance and information systems for.
the more efficient investigation, apprehension and adjudic­
ation of persons who violate the criminal laws of this state
or the United States, and to assist the victims of such
crimes. When providing the assistance under the provi­sions of this article, a head of a law-enforcement agency
shall comply with all applicable statutes, ordinances, rules,
policies or guidelines officially adopted by the state or the
governing body of the city or county by which he is
employed, and any conditions or restrictions included
therein.

(b) While temporarily assigned to work with another
law-enforcement agency or agencies, criminal justice
enforcement personnel shall have the same jurisdiction,
powers, privileges and immunities, including those relating
to the defense of civil actions, as such criminal justice
enforcement personnel would enjoy if actually employed
by the agency to which they are assigned, in addition to
any corresponding or varying jurisdiction, powers,
privileges and immunities conferred by virtue of their
continued employment with the assisting agency.

(c) While assigned to another agency or to a
multijurisdictional task force, criminal justice enforcement
personnel shall be subject to the lawful operational
commands of the superior officers of the agency or task
force to which they are assigned, but for personnel and
administrative purposes, including compensation, they
shall remain under the control of the assisting agency.
These assigned personnel shall continue to be covered by all employee rights and benefits provided by the assisting agency, including workers' compensation, to the same extent as though such personnel were functioning within the normal scope of their duties.

(d) No request or agreement between the heads of law-enforcement agencies made or entered into pursuant to the provisions of this article shall remain in force and effect for a period of more than twelve months unless renewed in writing by the parties thereto nor shall any request or agreement made or entered into pursuant to the provisions of this article have force or effect until a copy of said request or agreement is filed with the office of the circuit clerk of the county or counties in which the law-enforcement agencies involved operate. Upon filing, the requests or agreements may be sealed, subject to disclosure pursuant to an order of a circuit court directing disclosure for good cause. Nothing in this article shall be construed to limit the authority of the head of a law-enforcement agency to withdraw from any agreement at any time.

(e) Nothing contained in this article shall be construed so as to grant, increase, decrease or in any manner affect the civil service protection or the applicability of civil service laws as to any criminal justice enforcement personnel or agency operating under the authority of this article, nor shall this article in any way reduce or increase the jurisdiction or authority of any criminal justice enforcement personnel or agency, except as specifically provided herein.

(f) Nothing contained in this article shall be construed so as to authorize the permanent consolidation or merger or the elimination of operations of participating federal, state, county or municipal law-enforcement agencies.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
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 is approved this the 24th day of March, 1995.

Governor