

HB 242

RECEIVED
1995 MAR 24 PM 9:11
OFFICE OF THE CLERK OF THE WEST VIRGINIA
SENATE, STATE HOUSE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

HOUSE BILL No. 2427

(By Delegates Manuel, Collins & Trump)



Passed March 10, 1995

In Effect 90 Days From Passage



ENROLLED

H. B. 2427

(BY DELEGATES MANUEL, COLLINS AND TRUMP)

[Passed March 10, 1995; in effect ninety 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.

§15-10-4. Cooperation between law-enforcement agencies.

1 (a) The head of any law-enforcement agency as
2 defined in section three of this article may temporarily
3 provide assistance and cooperation to another agency of
4 the state criminal justice system or to a federal
5 law-enforcement agency in investigating crimes or
6 possible criminal activity if requested to do so in writing
7 by the head of another law-enforcement agency or federal
8 law-enforcement agency. Such assistance may also be
9 provided upon the request of the head of the

10 law-enforcement agency or federal law-enforcement
11 agency without first being reduced to writing in emergen-
12 cy situations involving the imminent risk of loss of life or
13 serious bodily injury. The assistance may include, but is
14 not limited to, entering into a multijurisdictional task force
15 agreement to integrate federal, state, county and municipal
16 law-enforcement agencies or any combination thereof, for
17 the purpose of enhancing interagency coordination,
18 intelligence gathering, facilitating multijurisdictional
19 investigations, providing criminal justice enforcement
20 personnel of the law-enforcement agency to work tempo-
21 rarily with personnel of another agency, including in an
22 undercover capacity, and making available equipment,
23 training, technical assistance and information systems for
24 the more efficient investigation, apprehension and adjudi-
25 cation of persons who violate the criminal laws of this state
26 or the United States, and to assist the victims of such
27 crimes. When providing the assistance under the provi-
28 sions of this article, a head of a law-enforcement agency
29 shall comply with all applicable statutes, ordinances, rules,
30 policies or guidelines officially adopted by the state or the
31 governing body of the city or county by which he is
32 employed, and any conditions or restrictions included
33 therein.

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

44 (c) While assigned to another agency or to a
45 multijurisdictional task force, criminal justice enforcement
46 personnel shall be subject to the lawful operational
47 commands of the superior officers of the agency or task
48 force to which they are assigned, but for personnel and
49 administrative purposes, including compensation, they
50 shall remain under the control of the assisting agency.

51 These assigned personnel shall continue to be covered by
52 all employee rights and benefits provided by the assisting
53 agency, including workers' compensation, to the same
54 extent as though such personnel were functioning within
55 the normal scope of their duties.

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

72 (e) Nothing contained in this article shall be construed
73 so as to grant, increase, decrease or in any manner affect
74 the civil service protection or the applicability of civil
75 service laws as to any criminal justice enforcement person-
76 nel or agency operating under the authority of this article,
77 nor shall this article in any way reduce or increase the
78 jurisdiction or authority of any criminal justice enforce-
79 ment personnel or agency, except as specifically provided
80 herein.

81 (f) Nothing contained in this article shall be construed
82 so as to authorize the permanent consolidation or merger
83 or the elimination of operations of participating federal,
84 state, county or municipal law-enforcement agencies.

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

Henry Schoonveld
Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Darrell Edlner
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Paul Caban
Speaker of the House of Delegates

The within *is approved* this the *24th*
day of *March*, 1995.

Gaston Caperton
Governor



PRESENTED TO THE
GOVERNOR

Date 3/24/95

Time 3:58 PM