

SB 0212

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 212

(By Senator D. T. UVA)



PASSED March 8, 1995

In Effect May Passage

ENROLLED
Senate Bill No. 212

(BY SENATOR DITTMAR)

[Passed March 8, 1995; in effect from passage.]

AN ACT to amend and reenact section thirteen, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to law enforcement and the amount that may be spent on outside legal services.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-13. Law enforcement and legal services.

1 The director shall select and designate a competent
2 and qualified person to be department law-enforcement
3 officer, who shall have the title of chief conservation
4 officer and who shall be responsible for the prompt,
5 orderly and effective enforcement of all of the provisions
6 of this chapter. Under the supervision of the director
7 and subject to personnel qualifications and requirements
8 otherwise prescribed in this chapter, the chief conserva-
9 tion officer shall be responsible for the selection, train-
10 ing, assignment, distribution and discipline of conserva-

11 tion officers and the effective discharge of their duties in
12 carrying out the law-enforcement policies, practices and
13 programs of the department in compliance with the
14 provisions of article seven of this chapter and other
15 controlling laws. Except as otherwise provided in this
16 chapter, he or she and his or her conservation officers
17 are hereby authorized to enter into and upon private
18 lands and waters to investigate complaints and reports
19 of conditions, conduct, practices and activities consid-
20 ered to be adverse to and violative of the provisions of
21 this chapter and to execute writs and warrants and make
22 arrests thereupon.

23 The attorney general and his or her assistants and the
24 prosecuting attorneys of the several counties shall render
25 to the director, without additional compensation, such
26 legal services as the director may require of them in the
27 discharge of his or her duties and the execution of his or
28 her powers under and his or her enforcement of the
29 provisions of this chapter. The director, in an emergency
30 and with prior approval of the attorney general, may
31 employ an attorney to act in proceedings wherein
32 criminal charges are brought against personnel of the
33 department because of action in line of duty. For such
34 attorney services, a reasonable sum, not exceeding two
35 thousand five hundred dollars, may be expended by the
36 director in any one case.

37 The director, if he or she deems the action necessary,
38 may request the attorney general to appoint an assistant
39 attorney general, who shall perform, under the supervi-
40 sion and direction of the attorney general, the duties as
41 may be required of him or her by the director. The
42 attorney general, in pursuance of the request, may select
43 and appoint an assistant attorney general to serve at the
44 will and pleasure of the attorney general, and the
45 assistant shall receive a salary to be paid out of any
46 funds made available for that purpose by the Legislature
47 to the department.

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

Randy Schoonover
.....
Chairman Senate Committee

Ernest E. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Carroll E. Adams
.....
Clerk of the Senate

Donald L. Hoff
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Paul Abner
.....
Speaker House of Delegates

The within *is approved* this the *17th*
day of *March*, 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/15/95

Time 9:23 am