

and Ext. Session 1

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WEST VIRGINIA LEGISLATURE

Second Extraordinary Session



ENROLLED

SENATE BILL NO. 1

(By Senators *Tomblin, Mr. President, and Beckalus*)



PASSED July 14, 1998
In Effect from Passage



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SENATE OF WEST VIRGINIA

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Senate Bill No. 1

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND BUCKALEW)

[Passed July 14, 1998; in effect from passage.]

AN ACT to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-d, relating to security at the capitol complex; creating within the department of military affairs and public safety the state facilities protection division; authorizing appointment of director and providing qualifications; providing for duties of the division; authorizing legislative rules; and clarifying that current authority for supreme court and legislative security at the capitol complex is not terminated.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-d, to read as follows:

ARTICLE 2D. STATE FACILITIES PROTECTION DIVISION.

§15-2D-1. Policy.

The Legislature finds and declares that citizens, state employees and visitors who park, attend functions or work at the capitol complex should be safe and secure. The Legislature further finds that it is in the public interest to provide for the safety and security of individuals who visit and work at the capitol complex and that this can best be accomplished through a single division within the department of military affairs and public safety.

§15-2D-2. Division created.

1 There is hereby created the state facilities
2 protection division within the department of
3 military affairs and public safety. The governor
4 shall appoint, with the advice and consent of the
5 Senate, a qualified director who has been a law-
6 enforcement officer for at least ten years, has
7 successfully completed supervisory and management
8 training, has held a supervisory position in law
9 enforcement for at least three years and has
10 completed the professional training required for
11 police officers at the West Virginia state police
12 academy or equivalent professional law-enforcement
13 training at another state, federal or United States
14 military institution. The director is responsible for
15 the control and supervision of each of the division's
16 offices. The director may appoint deputy directors
17 and assign them duties as may be necessary for the
18 efficient management and operation of the division.

§15-2D-3. Duties of division.

1 The state facilities protection division has the
2 duty to:

3 (1) Gather information from a broad base of
4 employees and visitors as to their security needs and
5 develop a comprehensive plan to maintain and
6 improve security at the capitol complex;

7 (2) Establish qualifications and training require-
8 ments for persons providing security at the capitol

9 complex, including law-enforcement officers, who
10 shall have powers of arrest, all powers and authority
11 of law-enforcement officials set forth in section
12 three, article fourteen, chapter eight of this code and
13 the duty to enforce all applicable provisions of this
14 code within the capitol complex;

15 (3) Employ personnel or contract for services;

16 (4) Purchase necessary equipment to maintain
17 security at the capitol complex; and

18 (5) Establish, through rules proposed for legisla-
19 tive approval in accordance with the provisions of
20 article three, chapter twenty-nine-a of this code,
21 which rules shall, at minimum, establish qualifica-
22 tion, training and certification procedures for securi-
23 ty personnel, and guidelines and protocols necessary
24 to carry out the intent of this article.

§15-2D-4. Effect of article.

1 The provisions of this article shall not apply to
2 the West Virginia Senate, the West Virginia House of
3 Delegates, the West Virginia Legislature or the West
4 Virginia supreme court of appeals, or to any part of
5 the capitol complex under the supervision or control
6 of the West Virginia Senate, the West Virginia House
7 of Delegates, the West Virginia Legislature or the West
8 Virginia supreme court of appeals, unless agreed to
9 by the president of the West Virginia Senate, the
10 speaker of the West Virginia House of Delegates, or
11 jointly by the president of the West Virginia Senate
12 and speaker of the West Virginia House of Delegates,
13 or by order of the West Virginia supreme court of
14 appeals, and then only to the extent that the
15 president of the West Virginia Senate, the speaker of
16 the West Virginia House of Delegates or the West
17 Virginia supreme court of appeals agrees to such
18 application, and then only to that part of the capitol
19 complex under the supervision or control of the
20 respective houses of the Legislature, individually or
21 jointly, or of the court.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

The within *approved* this the *22nd*
day of *July* 1998.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 7/20/90

Time 10:45 am