WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED

SENATE BILL NO. 704

(By Senator HUNTER, C.T., et al.)

PASSED March 10, 1999
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 requiring the state police and other state law-enforcement agencies to immediately investigate and search for missing persons who have a significant mental impairment.

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. WEST VIRGINIA STATE POLICE.

§15-2-12. Mission of the state police; powers of superintendent, officers and members; patrol of turnpike.
(a) The West Virginia state police 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, to make arrests without warrant; to arrest and detain any persons suspected of the commission of any felony or misdemeanor whenever a complaint is made and a warrant is issued thereon for the arrest, and the person arrested shall be immediately brought before the proper tribunal for examination and trial in the county where the offense for which the arrest has been made was committed;

(2) To serve criminal process issued by any court or magistrate anywhere within this state: Provided, That they may 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 of West Virginia state police for any license, permit or certificate that may be lawfully issued by these divisions of state government.

(c) Members of the West Virginia state police are hereby designated as forest patrolmen and game and fish wardens throughout the state to do and perform any duties and exercise any powers of forest patrolmen and game and fish wardens, and may apprehend and bring before any court or magistrate having jurisdiction of these matters, anyone
violating any of the provisions of chapters twenty, sixty
and sixty-one of this code. The West Virginia state police
is at any time subject to the call of the West Virginia
alcohol beverage control commissioner to aid in appre-
hending any person violating any of the provisions of
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 may not serve any civil process
or exercise any of the powers of such officer in civil
matters.

(d) Any member of the West Virginia state police know-
ing or having reason to believe that any person has vio-
lated the law may make complaint in writing before any
court or officer having jurisdiction and procure a warrant
for the offender, execute the warrant and bring the person
before the proper tribunal having jurisdiction. The
member shall make return on all warrants to the tribunals
and his or her official title shall be “member of the West
Virginia state police”. Members of the West Virginia state
police may execute any summons or process issued by any
tribunal having jurisdiction requiring the attendance of
any person as a witness before the tribunal and make
return thereon as provided by law. Any return by a
member of the West Virginia state police showing the
manner of executing the warrant or process has the same
force and effect as if made by a sheriff.

(e) Each member of the West Virginia state police, when
called by the sheriff of any county, or when directed by the
governor by proclamation, has full power and authority
within the 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 municipality therein, or of any able-bodied
citizen of the United States, to assist and aid in accom-
plishing the purposes expressed in this article. When
called, any officer or person is, during the time his or her
assistance is required, for all purposes a member of the
West Virginia state police 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 of any turnpike or toll road, operated by the West Virginia parkways, economic development and tourism authority: Provided, That the authority shall reimburse the West Virginia state police for salaries paid to the members and shall either pay directly or reimburse the division for all other expenses of the group of members in accordance with actual or estimated costs determined by the superintendent.

(g) The West Virginia state police may develop proposals for a comprehensive county or multicounty plan on the implementation of an enhanced emergency service telephone system and may cause a public meeting on the 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 West Virginia state police for salaries and employee benefits paid to the members, and shall either pay directly or reimburse the division for all other expenses of the 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 West Virginia state police and shall either be paid directly or reimbursed by the division of motor vehicles for all other expenses of the group of members in accordance with actual costs determined by the superintendent, for services performed by the 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 or her discretion and upon the written request of the West Virginia alcohol beverage control commissioner assist the commissioner in the coordination and enforcement of article sixteen, chapter eleven of this code and chapter sixty of this code.

(l) Notwithstanding the provisions of article one-a, chapter twenty of this code, the superintendent of the West Virginia state police may sell any surplus real property to which the West Virginia state police 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 West Virginia state police. 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 West Virginia state police. 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.

(m) Notwithstanding any other provision of this code, the agency for surplus property is hereby empowered to
transfer funds generated from the sale of vehicles, other
equipment and commodities belonging to the West Vir-
ginia state police to a special revenue account within the
West Virginia state police entitled the West Virginia state
police surplus transfer account. Moneys deposited in the
fund shall only be available for expenditure upon appro-
priation 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. Any funds transferred to this account may be
utilized by the superintendent to defray the cost of normal
operating needs of the division.

(n) If the state police or any other law-enforcement
agency in this state receives a report that a person who has
Alzheimer's disease and related dementia missing, the
state police or any other law-enforcement agency shall
immediately open an investigation for the purpose of
determining the whereabouts of that missing person. Any
policy of the state police or any other law-enforcement
agency relating to a waiting period prior to initiation of an
investigation of a missing person shall not apply in the
case of a person who has Alzheimer's disease or other
related dementia of the type referred to in this subsection.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ........ this the .... Day of ................................ .................... . ............... , 1999

Governor