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2001 MAY -2 P 11: 25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2540**

(By Delegates C. White, Yeager, Marshall,
Perry, Caputo, Smirl and Azinger)

Passed April 13, 2001

In Effect Ninety Days from Passage

FILED

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FOR

H. B. 2540

(BY DELEGATES C. WHITE, YEAGER, MARSHALL,
PERRY, CAPUTO, SMIRL AND AZINGER)

[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article twenty-nine, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring an employer to provide certain notices and consequences to a newly hired law-enforcement officer; providing for consequences to an employer if an employer fails to provide certain notices and consequences to a newly hired law-enforcement officer; and providing for circumstances where a law-enforcement officer may appeal their termination to the governor's committee.

Be it enacted by the Legislature of West Virginia:

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

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ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-5. Certification requirements.

1 (a) Except as provided in subsections (b) and (g) below, no
2 person may be employed as a law-enforcement officer by any
3 West Virginia law-enforcement agency or by any state institu-
4 tion of higher education on or after the effective date of this
5 article unless the person is certified, or is certifiable in one of
6 the manners specified in subsections (c) through (e) below, by
7 the governor's committee as having met the minimum entry
8 level law-enforcement qualification and training program
9 requirements promulgated pursuant to this article.

10 (b) Except as provided in subsection (g) below, a person
11 who is not certified, or certifiable in one of the manners
12 specified in subsections (c) through (e) below, may be condi-
13 tionally employed as a law-enforcement officer until certified:
14 *Provided*, That within ninety calendar days of the commence-
15 ment of employment or the effective date of this article if the
16 person is already employed on the effective date, he or she
17 makes a written application to attend an approved law-enforce-
18 ment training academy. The person's employer shall provide
19 notice, in writing, of the ninety-day deadline to file a written
20 application to the academy within thirty calendar days of that
21 person's commencement of employment. The employer shall
22 provide full disclosure as to the consequences of failing to file
23 a timely written application. The academy shall notify the
24 applicant in writing of the receipt of the application and of the
25 tentative date of the applicant's enrollment. Any applicant who,
26 as the result of extenuating circumstances acceptable to his or
27 her law-enforcement official, is unable to attend the scheduled
28 training program to which he or she was admitted may reapply
29 and shall be admitted to the next regularly scheduled training
30 program. An applicant who satisfactorily completes the
31 program shall, within thirty days of completion, make written

32 application to the governor's committee requesting certification
33 as having met the minimum entry level law-enforcement
34 qualification and training program requirements. Upon deter-
35 mining that an applicant has met the requirements for certifica-
36 tion, the governor's committee shall forward to the applicant
37 documentation of certification. An applicant who fails to
38 complete the training program to which he or she is first
39 admitted, or was admitted upon reapplication, may not be
40 certified by the governor's committee.

41 (c) Any person who is employed as a law-enforcement
42 officer on the effective date of this article and is a graduate of
43 the West Virginia basic police training course, the West
44 Virginia department of public safety cadet training program, or
45 other approved law-enforcement training academy, is certifiable
46 as having met the minimum entry law-enforcement training
47 program requirements and is exempt from the requirement of
48 attending a law-enforcement training academy. To receive
49 certification, the person shall make written application within
50 ninety calendar days of the effective date of this article to the
51 governor's committee requesting certification. The governor's
52 committee shall review the applicant's relevant scholastic
53 records and, upon determining that the applicant has met the
54 requirements for certification, shall forward to the applicant
55 documentation of certification.

56 (d) Any person who is employed as a law-enforcement
57 officer on the effective date of this article and is not a graduate
58 of the West Virginia basic police training course, the West
59 Virginia department of public safety cadet training program, or
60 other approved law-enforcement training academy, is certifiable
61 as having met the minimum entry level law-enforcement
62 training program requirements and is exempt from the require-
63 ment of attending a law-enforcement training academy if the
64 person has been employed as a law-enforcement officer for a
65 period of not less than five consecutive years immediately

66 preceding the date of application for certification. To receive
67 certification, the person shall make written application within
68 ninety calendar days following the effective date of this article
69 to the governor's committee requesting certification. The
70 application shall include notarized statements as to the appli-
71 cant's years of employment as a law-enforcement officer. The
72 governor's committee shall review the application and, upon
73 determining that the applicant has met the requirements for
74 certification, shall forward to the applicant documentation of
75 certification.

76 (e) Any person who begins employment on or after the
77 effective date of this article as a law-enforcement officer is
78 certifiable as having met the minimum entry level law-enforce-
79 ment training program requirements and is exempt from
80 attending a law-enforcement training academy if the person has
81 satisfactorily completed a course of instruction in law enforce-
82 ment equivalent to or exceeding the minimum applicable law-
83 enforcement training curricula promulgated by the governor's
84 committee. To receive certification, the person shall make
85 written application within ninety calendar days following the
86 commencement of employment to the governor's committee
87 requesting certification. The application shall include a nota-
88 rized statement of the applicant's satisfactory completion of the
89 course of instruction in law enforcement, a notarized transcript
90 of the applicant's relevant scholastic records, and a notarized
91 copy of the curriculum of the completed course of instruction.
92 The governor's committee shall review the application and, if
93 it finds the applicant has met the requirements for certification
94 shall forward to the applicant documentation of certification.

95 (f) Any person who is employed as a law-enforcement
96 officer on or after the effective date of this article and fails to be
97 certified shall be automatically terminated and no further
98 emoluments shall be paid to such officer by his employer. Any
99 person terminated shall be entitled to reapply, as a private

100 citizen, to the subcommittee for training and certification, and
101 upon being certified may again be employed as a law-enforce-
102 ment officer in this state: *Provided*, That if a person is termi-
103 nated under this subsection because an application was not
104 timely filed to the academy, and the person's employer failed
105 to provide notice or disclosure to that person as set forth in
106 subsection (b) of this section, the employer shall pay the full
107 cost of attending the academy if the person's application to the
108 subcommittee as a private citizen is subsequently approved.

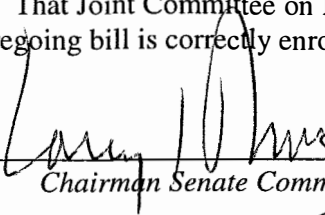
109 (g) Nothing in this article may be construed as prohibiting
110 any governing body, civil service commission or chief execu-
111 tive of any West Virginia law-enforcement agency from
112 requiring their law-enforcement officers to meet qualifications
113 and satisfactorily complete a course of law-enforcement
114 instruction which exceeds the minimum entry level law-
115 enforcement qualification and training curricula promulgated
116 by the governor's committee.

117 (h) The requirement of this section for qualification,
118 training and certification of law-enforcement officers shall not
119 be mandatory during the two years next succeeding the effec-
120 tive date of this article for the law-enforcement officers of a
121 law-enforcement agency which employs a civil service system
122 for its law-enforcement personnel, nor shall such provisions be
123 mandatory during the five years next succeeding the effective
124 date of this article for law-enforcement officers of a law-
125 enforcement agency which does not employ a civil service
126 system for its law-enforcement personnel: *Provided*, That such
127 requirements shall be mandatory for all such law-enforcement
128 officers until their law-enforcement officials apply for their
129 exemption by submitting a written plan to the governor's
130 committee which will reasonably assure compliance of all law-
131 enforcement officers of their agencies within the applicable two
132 or five-year period of exemption.

133 (i) Any person aggrieved by a decision of the governor's
134 committee made pursuant to this article may contest such
135 decision in accordance with the provisions of article five,
136 chapter twenty-nine-a of this code.

137 (j) Any person terminated from employment for not filing
138 an application to the law-enforcement training academy within
139 ninety days after commencing employment as a law-enforce-
140 ment officer may appeal the termination to the governor's
141 committee for reconsideration on an individual basis.

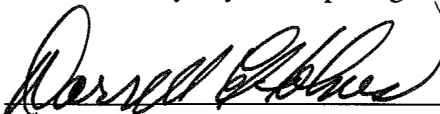
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

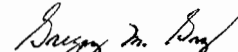

Chairman Senate Committee

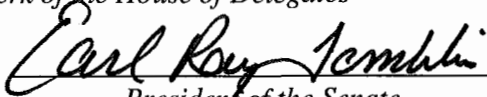

Chairman House Committee

Originating in the House

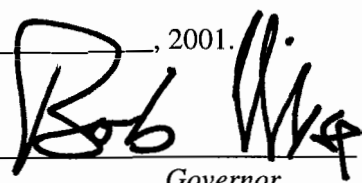
In effect ninety days from passage.


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 2nd day of May, 2001.

Governor

PRESENTED TO THE

GOVERNOR

Date 4/23/01

Time 6:45pm