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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2587

(By Mr. Speaker, Mr. Kiss, and Delegates Staton,
Amores, Coleman, Warner, Douglas and Stemple)



Passed April 3, 2001

In Effect Ninety Days from Passage

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H. B. 2587

(BY MR. SPEAKER, MR. KISS, AND DELEGATES STATON,
AMORES, COLEMAN, WARNER, DOUGLAS AND STEMPLER)

[Passed April 3, 2001; in effect ninety days from passage.]

AN ACT to amend article ten, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five; and to amend and reenact section six, article seven, chapter sixty-one of said code, all relating to permitting federal law-enforcement officers to assist state, county and municipal law-enforcement officers in enforcing state laws on request or if a felony is committed in the officer's presence; and permitting federal law-enforcement officers to carry weapons off duty.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five; and that section six,

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Enr. Com. Sub. for H. B. 2587] 2

article seven, chapter sixty-one of said code be amended and reenacted, all to read as follows:

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-5. Federal officers' peace-keeping authority.

1 (a) Notwithstanding any provision of this code to the
2 contrary, any person who is employed by the United States
3 government as a federal law-enforcement officer and is listed
4 in subsection (b) of this section, has the same authority to
5 enforce the laws of this state, except state or local traffic laws
6 or parking ordinances, as that authority granted to state or local
7 law-enforcement officers, if one or more of the following
8 circumstances exist:

9 (1) The federal law-enforcement officer is requested to
10 provide temporary assistance by the head of a state or local law-
11 enforcement agency or the designee of the head of the agency
12 and that request is within the state or local law-enforcement
13 agency's scope of authority and jurisdiction and is in writing:
14 *Provided*, That the request does not need to be in writing if an
15 emergency situation exists involving the imminent risk of loss
16 of life or serious bodily injury;

17 (2) The federal law-enforcement officer is requested by a
18 state or local law-enforcement officer to provide the officer
19 temporary assistance when the state or local law-enforcement
20 officer is acting within the scope of the officer's authority and
21 jurisdiction and where exigent circumstances exist; or

22 (3) A felony is committed in the federal law-enforcement
23 officer's presence or under circumstances indicating a felony
24 has just occurred.

25 (b) This section applies to the following persons who are
26 employed as full-time federal law-enforcement officers by the
27 United States government and who are authorized to carry
28 firearms while performing their duties:

29 (1) Federal bureau of investigation special agents;

30 (2) Drug enforcement administration special agents;

31 (3) United States marshal's service marshals and deputy
32 marshals;

33 (4) United States postal service inspectors;

34 (5) Internal revenue service special agents;

35 (6) United States secret service special agents;

36 (7) Bureau of alcohol, tobacco, and firearms special agents;

37 (8) Police officers employed pursuant to 40 U.S.C. §§318
38 and 490 at the federal bureau of investigation's criminal justice
39 information services division facility located within this state;
40 and

41 (9) Law enforcement commissioned rangers of the national
42 park service.

43 (c) Any person acting under the authority granted pursuant
44 to this section:

45 (1) Has the same authority and is subject to the same
46 exemptions and exceptions to this code as a state or local law-
47 enforcement officer;

48 (2) Is not an officer, employee, or agent of any state or local
49 law-enforcement agency;

50 (3) May not initiate or conduct an independent investigation
51 into an alleged violation of any provision of this code except to
52 the extent necessary to preserve evidence or testimony at risk
53 of loss immediately following an occurrence described in
54 subdivision (3), subsection (a) of this section;

55 (4) Is subject to 28 U.S.C. §1346, the Federal Tort Claims
56 Act; and

57 (5) Has the same immunities from liability as a state or
58 local law-enforcement officer.

59 (d) For purposes of this section, a state or local law-
60 enforcement officer means any duly authorized member of a
61 law-enforcement agency who is authorized to maintain public
62 peace and order, prevent and detect crime, make arrests and
63 enforce the laws of the state or any county or municipality
64 thereof, other than parking ordinances, and includes those
65 persons employed as campus police officers at state institutions
66 of higher education in accordance with the provisions of section
67 five, article four, chapter eighteen-b of this code, although those
68 institutions may not be considered law-enforcement agencies.
69 The term also includes those persons employed as rangers by
70 the Hatfield-McCoy regional recreation authority in accordance
71 with the provisions of section six, article fourteen, chapter
72 twenty of this code, although the authority may not be consid-
73 ered a law-enforcement agency.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 7. DANGEROUS WEAPONS.

§61-7-6. Exceptions as to prohibitions against carrying concealed deadly weapons.

1 The licensure provisions set forth in this article do not
2 apply to:

3 (1) Any person carrying a deadly weapon upon his or her
4 own premises; nor shall anything herein prevent a person from
5 carrying any firearm, unloaded, from the place of purchase to
6 his or her home, residence or place of business or to a place of
7 repair and back to his or her home, residence or place of
8 business, nor shall anything herein prohibit a person from
9 possessing a firearm while hunting in a lawful manner or while
10 traveling from his or her home, residence or place of business
11 to a hunting site and returning to his or her home, residence or
12 place of business;

13 (2) Any person who is a member of a properly organized
14 target-shooting club authorized by law to obtain firearms by
15 purchase or requisition from this state, or from the United
16 States for the purpose of target practice, from carrying any
17 pistol, as defined in this article, unloaded, from his or her home,
18 residence or place of business to a place of target practice and
19 from any place of target practice back to his or her home,
20 residence or place of business, for using any such weapon at a
21 place of target practice in training and improving his or her skill
22 in the use of the weapons;

23 (3) Any law-enforcement officer or law-enforcement
24 official as defined in section one, article twenty-nine, chapter
25 thirty of this code;

26 (4) Any employee of the West Virginia division of correc-
27 tions duly appointed pursuant to the provisions of section five,
28 article five, chapter twenty-eight of this code while the em-
29 ployee is on duty;

30 (5) Any member of the armed forces of the United States or
31 the militia of this state while the member is on duty;

32 (6) Any circuit judge, including any retired circuit judge
33 designated senior status by the supreme court of appeals of

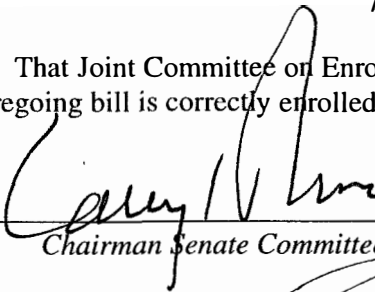
34 West Virginia, prosecuting attorney, assistant prosecuting
35 attorney or a duly appointed investigator employed by a
36 prosecuting attorney;

37 (7) Any probation officer appointed under the provisions of
38 section five, article twelve, chapter sixty-two of this code;

39 (8) Any resident of another state who has been issued a
40 license to carry a concealed weapon by a state or a political
41 subdivision which has entered into a reciprocity agreement with
42 this state shall be exempt from the licensing requirements of
43 section four of this article. The governor may execute reciproc-
44 ity agreements on behalf of the state of West Virginia with
45 states or political subdivisions which have similar gun permit-
46 ting laws and which recognize and honor West Virginia licenses
47 issued pursuant to section four of this article;

48 (9) Any federal law-enforcement officer or federal police
49 officer authorized to carry a weapon in the performance of the
50 officer's duty.

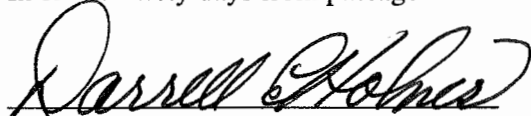
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

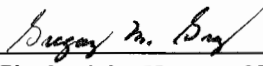

Chairman Senate Committee

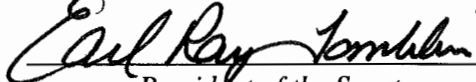

Chairman House Committee

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 13th
day of April, 2001.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/9/01

Time 2:00 pm