WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2002

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4268

(By Delegates C. White, Yeager, Caputo, Hrutkay and Marshall)

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Passed March 8, 2002

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 law enforcement-training and certification; permitting the certification in another program of applicants who have completed minimum training requirements in the program to which he or she originally applied; permitting the conditional re-employment of certain persons as law-enforcement officers; and providing a one year period during which a person who was previously conditionally employed as a law-enforcement officer, but who failed to submit a timely application to an approved law-enforcement training academy, may submit an application to an approved law-enforcement training academy.

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:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-5. Certification requirements.

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

(b) Except as provided in subsection (g) below, a person who is not certified, or certifiable in one of the manners specified in subsections (c) through (e) below, may be conditionally employed as a law-enforcement officer until certified: Provided, That within ninety calendar days of the commencement of employment or the effective date of this article if the person is already employed on the effective date, he or she makes a written application to attend an approved law-enforcement training academy. The person’s employer shall provide notice, in writing, of the ninety-day deadline to file a written application to the academy within thirty calendar days of that person’s commencement of employment. The employer shall provide full disclosure as to the consequences of failing to file a timely written application. The academy shall notify the applicant in writing of the receipt of the application and of the tentative date of the applicant’s enrollment. Any applicant who, as the result of extenuating circumstances acceptable to his or her law-enforcement official, is unable to attend the scheduled
training program to which he or she was admitted may reapply and shall be admitted to the next regularly scheduled training program. An applicant who satisfactorily completes the program shall, within thirty days of completion, make written application to the governor’s committee requesting certification as having met the minimum entry level law-enforcement qualification and training program requirements. Upon determining that an applicant has met the requirements for certification, the governor’s committee shall forward to the applicant documentation of certification. An applicant who fails to complete the training program to which he or she is first admitted, or was admitted upon reapplication, may not be certified by the governor’s committee: Provided, That an applicant who has completed the minimum training required by the governor’s committee may be certified as a law-enforcement officer, notwithstanding the applicant’s failure to complete additional training hours required in the training program to which he or she originally applied.

(c) Any person who is employed as a law-enforcement officer on the effective date of this article and is a graduate of the West Virginia basic police training course, the West Virginia state police cadet training program, or other approved law-enforcement training academy, is certifiable as having met the minimum entry level law-enforcement training program requirements and is exempt from the requirement of attending a law-enforcement training academy. To receive certification, the person shall make written application within ninety calendar days of the effective date of this article to the governor’s committee requesting certification. The governor’s committee shall review the applicant’s relevant scholastic records and, upon determining that the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.
(d) Any person who is employed as a law-enforcement officer on the effective date of this article and is not a graduate of the West Virginia basic police training course, the West Virginia state police cadet training program, or other approved law-enforcement training academy, is certifiable as having met the minimum entry level law-enforcement training program requirements and is exempt from the requirement of attending a law-enforcement training academy if the person has been employed as a law-enforcement officer for a period of not less than five consecutive years immediately preceding the date of application for certification. To receive certification, the person shall make written application within ninety calendar days following the effective date of this article to the governor’s committee requesting certification. The application shall include notarized statements as to the applicant’s years of employment as a law-enforcement officer. The governor’s committee shall review the application and, upon determining that the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.

(e) Any person who begins employment on or after the effective date of this article as a law-enforcement officer is certifiable as having met the minimum entry level law-enforcement training program requirements and is exempt from attending a law-enforcement training academy if the person has satisfactorily completed a course of instruction in law enforcement equivalent to or exceeding the minimum applicable law-enforcement training curricula promulgated by the governor’s committee. To receive certification, the person shall make written application within ninety calendar days following the commencement of employment to the governor’s committee requesting certification. The application shall include a notarized statement of the applicant’s satisfactory completion of the course of instruction in law enforcement, a notarized transcript of the applicant’s relevant scholastic records, and a notarized copy of the curriculum of the completed course of instruction.
The governor's committee shall review the application and, if it finds the applicant has met the requirements for certification, shall forward to the applicant documentation of certification.

(f) Any person who is employed as a law-enforcement officer on or after the effective date of this article and fails to be certified shall be automatically terminated and no further emoluments shall be paid to such officer by his or her employer. Any person terminated shall be entitled to reapply, as a private citizen, to the subcommittee for training and certification, and upon being certified may again be employed as a law-enforcement officer in this state: Provided, That if a person is terminated under this subsection because an application was not timely filed to the academy, and the person's employer failed to provide notice or disclosure to that person as set forth in subsection (b) of this section, the employer shall pay the full cost of attending the academy if the person's application to the subcommittee as a private citizen is subsequently approved.

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

(h) The requirement of this section for qualification, training and certification of law-enforcement officers shall not be mandatory during the two years next succeeding the effective date of this article for the law-enforcement officers of a law-enforcement agency which employs a civil service system for its law-enforcement personnel, nor shall such provisions be mandatory during the five years next succeeding the effective date of this article for law-enforcement officers of a law-
enforcement agency which does not employ a civil service
system for its law-enforcement personnel: *Provided*, That such
requirements shall be mandatory for all such law-enforcement
officers until their law-enforcement officials apply for their
exemption by submitting a written plan to the governor’s
committee which will reasonably assure compliance of all law-
enforcement officers of their agencies within the applicable two
or five-year period of exemption.

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

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

(k) Beginning the first day of July, two thousand two, until
the thirtieth day of June, two thousand three, any applicant who
has been conditionally employed as a law-enforcement officer
who failed to submit a timely application pursuant to the
provisions of this section, may be conditionally employed as a
law-enforcement officer if and may resubmit an application
pursuant to subsection (b) of this section to an approved law-
enforcement training academy. If the applicant is accepted, the
employer shall pay compensation to the employee for attend-
dance at the law-enforcement training academy at the rate
provided in section eight of this article.
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 April, 2002.

Governor