

FILED

2002 APR -3 P 5:39

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

House Bill No. 4511

(By Delegate Douglas, Kuhn, Butcher and Perdue)



Passed March 8, 2002

In Effect Ninety Days from Passage

FILED

2002 APR -3 P 5:39

CLERK WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

H. B. 4511

(BY DELEGATE DOUGLAS, KUHN, BUTCHER AND PERDUE)

[Passed March 8, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article two-d, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the division of protective services; defining certification requirements of members of the division; and eliminating certain rule-making requirements of the director.

Be it enacted by the Legislature of West Virginia:

That section three, article two-d, 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 2D. DIVISION OF PROTECTIVE SERVICES.

§15-2D-3. Duties and powers of the director and officers.

- 1 (a) The director is responsible for the control and supervi-
- 2 sion of the division. The director and any officer of the division
- 3 specified by the director may carry designated weapons and
- 4 have the same powers of arrest and law enforcement in

5 Kanawha County as members of the West Virginia state police
6 as set forth in subsections (b) and (d), section twelve, article
7 two of this chapter.

8 (b) Any officer of the division shall be certified as a law
9 enforcement officer by the governor's committee on crime,
10 delinquency and correction or may be conditionally employed
11 as a law enforcement officer until certified in accordance with
12 the provisions of section five, article twenty-nine, chapter thirty
13 of the code of West Virginia, one thousand nine hundred thirty-
14 one, as amended.

15 (c) The director may:

16 (1) Employ necessary personnel, all of whom shall be
17 classified exempt, assign them the duties necessary for the
18 efficient management and operation of the division, and specify
19 members who may carry, without license, weapons designated
20 by the director;

21 (2) Contract for security and other services;

22 (3) Purchase equipment as necessary to maintain security
23 at the capitol complex and other state facilities as may be
24 determined by the secretary of the department of military affairs
25 and public safety;

26 (4) Establish and provide standard uniforms, arms, weapons
27 and other enforcement equipment authorized for use by
28 members of the division and shall provide for the periodic
29 inspection of the uniforms and equipment. All uniforms, arms,
30 weapons and other property furnished to members of the
31 division by the state of West Virginia is and remains the
32 property of the state;

33 (5) Appoint security officers to provide security on pre-
34 mises owned or leased by the state of West Virginia;

35 (6) Upon request by the superintendent of the West Virginia
36 state police, provide security for the speaker of the West
37 Virginia House of Delegates, the president of the West Virginia
38 Senate, the governor, or a justice of the West Virginia supreme
39 court of appeals;

40 (7) Gather information from a broad base of employees at
41 and visitors to the capitol complex to determine their security
42 needs and develop a comprehensive plan to maintain and
43 improve security at the capitol complex based upon those
44 needs; and

45 (8) Assess safety and security needs and make recommen-
46 dations for safety and security at any proposed or existing state
47 facility as determined by the secretary of the department of
48 military affairs and public safety, upon request of the secretary
49 of the department to which the facility is or will be assigned.

50 (d) The director shall:

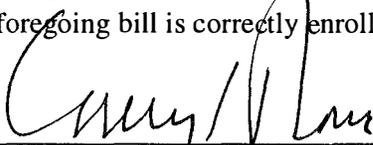
51 (1) On or before the first day of July, one thousand nine
52 hundred ninety-nine, propose legislative rules for promulgation
53 in accordance with the provisions of article three, chapter
54 twenty-nine-a of this code. The rules shall, at a minimum
55 establish ranks and the duties of officers within the membership
56 of the division.

57 (2) On or before the first day of July, one thousand nine
58 hundred ninety-nine, enter into an interagency agreement with
59 the secretary of the department of military affairs and public
60 safety and the secretary of the department of administration,
61 which delineates their respective rights and authorities under
62 any contracts or subcontracts for security personnel. A copy of
63 the interagency agreement shall be delivered to the governor,
64 the president of the West Virginia Senate and the speaker of the

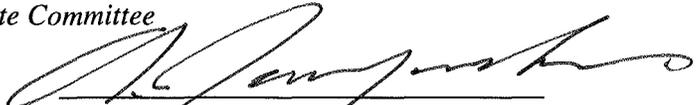
65 West Virginia House of Delegates, and a copy shall be filed in
66 the office of the secretary of state and shall be a public record.

67 (3) Deliver a monthly status report to the speaker of the
68 West Virginia House of Delegates and the president of the West
69 Virginia Senate.

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



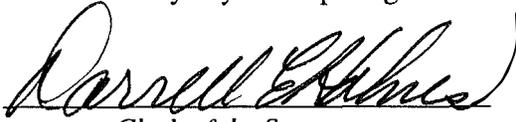
Chairman Senate Committee



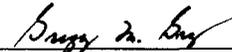
Chairman House Committee

Originating in the House.

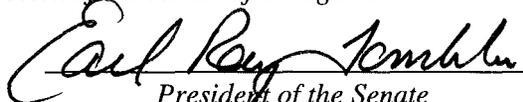
In effect ninety days from passage.



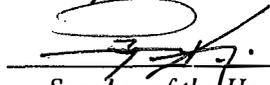
Clerk of the Senate



Clerk of the House of Delegates

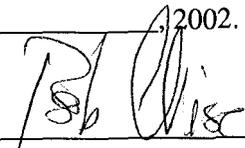


President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2002.



Governor

3/27/02

10:20a