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
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.

(a) The director is responsible for the control and supervision of the division. The director and any officer of the division specified by the director may carry designated weapons and have the same powers of arrest and law enforcement in
Kanawha County as members of the West Virginia state police as set forth in subsections (b) and (d), section twelve, article two of this chapter.

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

(c) The director may:

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

(2) Contract for security and other services;

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

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

(5) Appoint security officers to provide security on premises owned or leased by the state of West Virginia;
(6) Upon request by the superintendent of the West Virginia state police, provide security for the speaker of the West Virginia House of Delegates, the president of the West Virginia Senate, the governor, or a justice of the West Virginia supreme court of appeals;

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

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

(d) The director shall:

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

(2) On or before the first day of July, one thousand nine hundred ninety-nine, enter into an interagency agreement with the secretary of the department of military affairs and public safety and the secretary of the department of administration, which delineates their respective rights and authorities under any contracts or subcontracts for security personnel. A copy of the interagency agreement shall be delivered to the governor, the president of the West Virginia Senate and the speaker of the
West Virginia House of Delegates, and a copy shall be filed in
the office of the secretary of state and shall be a public record.

(3) Deliver a monthly status report to the speaker of the
West Virginia House of Delegates and the president of the West
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 23rd day of April, 2002.

Governor