

SB 256

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED

SENATE BILL NO. 256

(By Senator Wooten, ET AL)

PASSED MARCH 8, 2002

In Effect NINETY Days From Passage

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Senate Bill No. 256

(BY SENATORS WOOTON, HUNTER, KESSLER, MINARD,
MITCHELL, ROSS AND ROWE)

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

AN ACT to amend and reenact section three, article two, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three, article twenty-nine, chapter thirty of said code, all relating to enforcement of motor vehicle laws; extending the power of special officers designated by the commissioner of highways on official weighing crews to possess firearms while on duty; training requirements; qualifications; requiring division of highways to pay for training; and clarifying responsibilities and duties of governor's committee on crime, delinquency and correction.

Be it enacted by the Legislature of West Virginia:

That section three, article two, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three, article twenty-nine, chapter thirty of said code be amended and reenacted, all to read as follows:

**CHAPTER 17C. TRAFFIC REGULATIONS
AND LAWS OF THE ROAD.**

ARTICLE 2. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS.

**§17C-2-3. Enforcement of chapter; designation and power of
special officers; bond of special officers; failure to
obey police officer or special officers.**

1 (a) It is the duty of the West Virginia state police and its
2 members to enforce the provisions of this chapter and
3 other laws of this state governing the operation of vehicles
4 upon the streets and highways of this state as defined in
5 section thirty-five, article one of this chapter or in other
6 designated places specifically referred to in a given section
7 in this chapter; and it is the duty of sheriffs and their
8 deputies and of the police of municipalities to render to
9 the West Virginia state police assistance in the perfor-
10 mance of said duties as the superintendent of the West
11 Virginia state police may require of them.

12 (b) The West Virginia commissioner of highways is
13 authorized to designate employees of the West Virginia
14 division of highways as special officers to enforce the
15 provisions of this chapter only when special officers are
16 directing traffic upon bridges and the approaches to
17 bridges which are a part of the state road system when any
18 bridge needs special traffic direction and the superinten-
19 dent of the West Virginia state police has informed the
20 West Virginia commissioner of highways that he or she is
21 unable to furnish personnel for traffic direction. The West
22 Virginia commissioner of highways may also designate
23 certain employees of the West Virginia division of high-
24 ways serving as members of official weighing crews as
25 special officers to enforce the provisions of article seven-
26 teen of this chapter. Notwithstanding any provision of
27 this code to the contrary, designated special officers
28 serving as members of official weighing crews may carry
29 handguns in the course of their official duties after
30 meeting specialized qualifications established by the

31 governor's committee on crime, delinquency and correc-
 32 tion, which qualifications shall include the successful
 33 completion of handgun training, including a minimum of
 34 four hours' training in handgun safety, paid for by the
 35 division of highways and comparable to the handgun
 36 training provided to law-enforcement officers by the West
 37 Virginia state police: *Provided*, That nothing in this
 38 section shall be construed to include designated special
 39 officers authorized by the provisions of this section as law-
 40 enforcement officers as such are defined in section one,
 41 article twenty-nine, chapter thirty of this code. The West
 42 Virginia commissioner of highways shall provide a blanket
 43 bond in the amount of ten thousand dollars for all employ-
 44 ees designated as special officers, as above provided.

45 (c) No person shall willfully fail or refuse to comply with
 46 a lawful order or direction of any police officer or desig-
 47 nated special officer invested by law with authority to
 48 direct, control or regulate traffic.

49 (d) No person shall willfully fail or refuse to comply with
 50 a lawful order or direction of any designated special
 51 officer pursuant to the provisions of subsection (b) of this
 52 section.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-3. Duties of the governor's committee and the subcommittee.

1 Upon recommendation of the subcommittee, the gover-
 2 nor's committee shall, by or pursuant to rule or regulation:

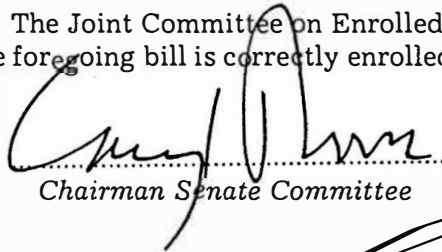
3 (a) Provide funding for the establishment and support
 4 of law-enforcement training academies in the state;

5 (b) Establish standards governing the establishment and
 6 operation of the law-enforcement training academies,
 7 including regional locations throughout the state, in order

- 8 to provide access to each law-enforcement agency in the
9 state in accordance with available funds;
- 10 (c) Establish minimum law-enforcement instructor
11 qualifications;
- 12 (d) Certify qualified law-enforcement instructors;
- 13 (e) Maintain a list of approved law-enforcement instruc-
14 tors;
- 15 (f) Promulgate standards governing the qualification of
16 law-enforcement officers and the entry-level law-enforce-
17 ment training curricula. These standards shall require
18 satisfactory completion of a minimum of four hundred
19 classroom hours, shall provide for credit to be given for
20 relevant classroom hours earned pursuant to training
21 other than training at an established law-enforcement
22 training academy if earned within five years immediately
23 preceding the date of application for certification, and
24 shall provide that the required classroom hours can be
25 accumulated on the basis of a part-time curricula span-
26 ning no more than twelve months, or a full-time curricula;
- 27 (g) Establish standards governing in-service law-en-
28 forcement officer training curricula and in-service super-
29 visory level training curricula;
- 30 (h) Certify law-enforcement officers, as provided in
31 section five of this article;
- 32 (i) Seek supplemental funding for law-enforcement
33 training academies from sources other than the fees
34 collected pursuant to section four of this article;
- 35 (j) Any responsibilities and duties as the legislature may,
36 from time to time, see fit to direct to the committee; and
- 37 (k) Submit, on or before the thirtieth day of September
38 of each year, to the governor, and upon request to individ-
39 ual members of the Legislature, a report on its activities
40 during the previous year and an accounting of funds paid

- 41 into and disbursed from the special revenue account
42 establish pursuant to section four of this article.

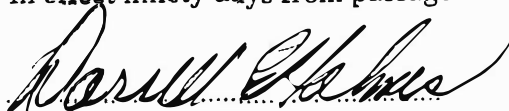
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

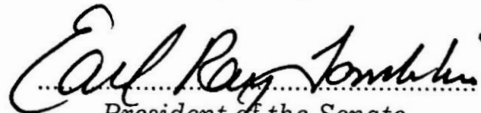

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Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

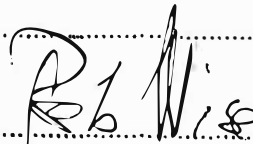

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 3
Day of April, 2002.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/14/02

Time 9:00am