WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4570

(By Delegates Stemple, Mahan, Browning, Proudfoot, Long, Perry, Hrutkay, Varner and Webster)

Passed March 6, 2008

In Effect from Passage
FOR H.B. 4570

(BY DELEGATES STEMPLE, MAHAN, BROWNING, PROUDFOOT, LONG, PERRY, HRUTKAY, VARNER AND WEBSTER)

[Passed March 6, 2008; in effect from passage.]

AN ACT to amend and reenact §31-20-27a of the Code of West Virginia, 1931, as amended, relating to authorizing regional jail employees to carry a firearm after receiving appropriate certification; and expanding their arrest authority.

Be it enacted by the Legislature of West Virginia:

That §31-20-27a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.

§31-20-27a. Regional jail employees right to carry firearm; arrest authority of correctional officers.

1 (a) The executive director may issue a certificate authorizing any regional jail employee who has successfully
completed the authority's training program for firearms
certification, which shall be the equivalent of that required of
deputy sheriffs, to carry firearms and concealed weapons
while on duty. Any regional jail employee authorized by the
executive director has the right, without a state license, to
carry firearms and concealed weapons while on duty,
pursuant to the provisions and limitations of this section.
Each employee authorized by the executive director shall
carry with him or her a certificate, authorizing him or her to
carry a firearm or concealed weapon when performing his or
her official duties as a regional jail employee, bearing the
official signature of the executive director and administrator.
The right is extended to a regional jail employee during the
time the employee travels from place to place within the state
for the purpose of transporting inmates, and during the time
the employee is pursuing and apprehending escaped inmates,
and during any other time the employee is performing official
duties as a regional jail employee. The regional jail
employee's carrying of a firearm or concealed weapon while
on regional jail property must also comply with rules and
procedures established by the Regional Jail Authority. No
regional jail employee has the right to carry a firearm or
concealed weapon for any other purpose or during any other
time, including when traveling to and from the employee's
residence and a regional jail, unless the employee has
obtained a state license in the manner prescribed in article
seven, chapter sixty-one of this code.

(b) Persons employed by the Regional Jail Authority as
correctional officers are hereby authorized and empowered to
make arrests of persons already charged with a violation of
law who surrender themselves to such correctional officer, to
arrest persons already in the custody of the Regional Jail
Authority for violations of law occurring in the officer's
presence, to detain persons for violations of state law
committed on the property of any regional jail, and to
conduct investigations, pursue and apprehend escapees from the custody of regional jail.

(c) Nothing in this section shall be construed as to make a correctional officer employed by the Regional Jail Authority a law-enforcement officer as defined in section one, article twenty-nine, chapter thirty of this code.
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 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 28th day of March, 2008.

Governor