

HB 4570

FILED

2008 MAR 28 PM 4: 29

OFFICE OF THE
SECRETARY OF STATE CD

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

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H. B. 4570

(BY DELEGATES STEMPLER, 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
2 authorizing any regional jail employee who has successfully

3 completed the authority's training program for firearms
4 certification, which shall be the equivalent of that required of
5 deputy sheriffs, to carry firearms and concealed weapons
6 while on duty. Any regional jail employee authorized by the
7 executive director has the right, without a state license, to
8 carry firearms and concealed weapons while on duty,
9 pursuant to the provisions and limitations of this section.
10 Each employee authorized by the executive director shall
11 carry with him or her a certificate, authorizing him or her to
12 carry a firearm or concealed weapon when performing his or
13 her official duties as a regional jail employee, bearing the
14 official signature of the executive director and administrator.
15 The right is extended to a regional jail employee during the
16 time the employee travels from place to place within the state
17 for the purpose of transporting inmates, and during the time
18 the employee is pursuing and apprehending escaped inmates,
19 and during any other time the employee is performing official
20 duties as a regional jail employee. The regional jail
21 employee's carrying of a firearm or concealed weapon while
22 on regional jail property must also comply with rules and
23 procedures established by the Regional Jail Authority. No
24 regional jail employee has the right to carry a firearm or
25 concealed weapon for any other purpose or during any other
26 time, including when traveling to and from the employee's
27 residence and a regional jail, unless the employee has
28 obtained a state license in the manner prescribed in article
29 seven, chapter sixty-one of this code.

30 (b) Persons employed by the Regional Jail Authority as
31 correctional officers are hereby authorized and empowered to
32 make arrests of persons already charged with a violation of
33 law who surrender themselves to such correctional officer, to
34 arrest persons already in the custody of the Regional Jail
35 Authority for violations of law occurring in the officer's
36 presence, to detain persons for violations of state law
37 committed on the property of any regional jail, and to

38 conduct investigations, pursue and apprehend escapees from
39 the custody of regional jail.

40 (c) Nothing in this section shall be construed as to make
41 a correctional officer employed by the Regional Jail
42 Authority a law-enforcement officer as defined in section
43 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

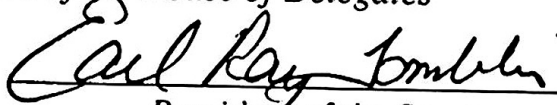

Chairman House Committee

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 approved this the 28th
day of March, 2008.


Governor

PRESENTED TO THE
GOVERNOR

MAR 19 2008

Time 10:15 AM