

SB 318

FILED

2009 MAY -8 PM 4: 55

**WEST VIRGINIA LEGISLATURE** WEST VIRGINIA  
LEGISLATURE  
OF STATE

**SEVENTY-NINTH LEGISLATURE  
REGULAR SESSION, 2009**



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 318**

(SENATOR KESSLER, *original sponsor*)

[Passed April 11, 2009; in effect ninety days from passage.]

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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AN ACT to amend and reenact §15-2D-3 of the Code of West Virginia, 1931, as amended, relating to the duties and powers of the director and officers of the West Virginia Division of Protective Services; extending division jurisdiction over state property throughout the state under certain circumstances; and clarifying that division has no responsibility for providing security for state facilities outside the Capitol Complex.

*Be it enacted by the Legislature of West Virginia:*

That §15-2D-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2D. PROTECTIVE SERVICES.**

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

1 (a) The director is responsible for the control and  
2 supervision of the division. The director and any officer of  
3 the division specified by the director may carry designated  
4 weapons and have the same powers of arrest and law  
5 enforcement in Kanawha County as members of the West  
6 Virginia State Police as set forth in subsections (b) and (d),  
7 section twelve, article two of this chapter: *Provided*, That  
8 the director and designated members shall have such  
9 powers throughout the State of West Virginia in investi-  
10 gating and performing law-enforcement duties for of-  
11 fenses committed on the Capitol Complex or related to the  
12 division's security and protection duties at the Capitol  
13 Complex: *Provided, however*, That the director and  
14 designated members shall have said powers throughout  
15 the state relating to offenses and activities occurring on  
16 any property owned, leased or operated by the State of  
17 West Virginia when undertaken at the request of the  
18 agency occupying the property: *Provided further*, That  
19 nothing in this article shall be construed as to obligate the  
20 director or the division to provide or be responsible for  
21 providing security at state facilities outside the Capitol  
22 Complex.

23 (b) Any officer of the division shall be certified as a law-  
24 enforcement officer by the Governor's Committee on  
25 Crime, Delinquency and Correction or may be condition-  
26 ally employed as a law-enforcement officer until certified  
27 in accordance with the provisions of section five, article  
28 twenty-nine, chapter thirty of this code.

29 (c) The director may:

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

35 (2) Contract for security and other services;

36 (3) Purchase equipment as necessary to maintain secu-  
37 rity at the Capitol Complex and other state facilities as  
38 may be determined by the Secretary of the Department of  
39 Military Affairs and Public Safety;

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

47 (5) Appoint security officers to provide security on  
48 premises owned or leased by the State of West Virginia;

49 (6) Upon request by the Superintendent of the West  
50 Virginia State Police, provide security for the Speaker of  
51 the West Virginia House of Delegates, the President of the  
52 West Virginia Senate, the Governor or a justice of the West  
53 Virginia Supreme Court of Appeals;

54 (7) Gather information from a broad base of employees  
55 at and visitors to the Capitol Complex to determine their  
56 security needs and develop a comprehensive plan to  
57 maintain and improve security at the Capitol Complex  
58 based upon those needs; and

59 (8) Assess safety and security needs and make recom-  
60 mendations for safety and security at any proposed or  
61 existing state facility as determined by the Secretary of  
62 the Department of Military Affairs and Public Safety,  
63 upon request of the secretary of the department to which  
64 the facility is or will be assigned.

65 (d) The director shall:

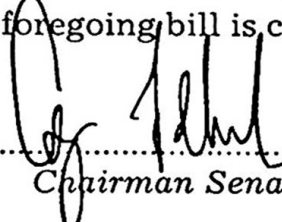
66 (1) On or before July 1, 1999, propose legislative rules for  
67 promulgation in accordance with the provisions of article  
68 three, chapter twenty-nine-a of this code. The rules shall,

69 at a minimum, establish ranks and the duties of officers  
70 within the membership of the division.

71 (2) On or before July 1, 1999, enter into an interagency  
72 agreement with the Secretary of the Department of  
73 Military Affairs and Public Safety and the Secretary of the  
74 Department of Administration, which delineates their  
75 respective rights and authorities under any contracts or  
76 subcontracts for security personnel. A copy of the inter-  
77 agency agreement shall be delivered to the Governor, the  
78 President of the West Virginia Senate and the Speaker of  
79 the West Virginia House of Delegates and a copy shall be  
80 filed in the office of the Secretary of State and shall be a  
81 public record.

82 (3) Deliver a monthly status report to the Speaker of the  
83 West Virginia House of Delegates and the President of the  
84 West Virginia Senate.


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

  
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Chairman Senate Committee

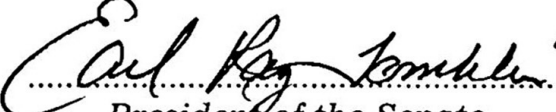
  
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Chairman House Committee

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 8<sup>th</sup>  
Day of May, 2009.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAY 7 2009

Time 11:20am