WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED

Senate Bill No. 756

(By Senators Wells, Caruth and Browning)

[Passed April 11, 2009; in effect ninety days from passage.]
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(BY SENATORS WELLS, CARUTH AND BROWNING)

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

AN ACT to amend and reenact §15-1B-22 of the Code of West Virginia, 1931, as amended, relating to military facilities; security guards' qualifications, duties and powers; and authorizing National Guard firefighters to respond to accidents or emergencies in areas adjacent to military facilities.

Be it enacted by the Legislature of West Virginia:

That §15-1B-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1B. NATIONAL GUARD.

§15-1B-22. Military facilities; security guards; qualifications; duties; powers.

1 (a) Notwithstanding any provision of this code to the contrary, bona fide members of the West Virginia National Guard assigned by the Adjutant General to function as security guards to safeguard military property of the state
or of the United States who have successfully completed a training program in law enforcement approved by the Adjutant General and the Superintendent of the West Virginia Department of Public Safety shall be deemed to have met all the requirements for certification as a law-enforcement officer set forth in section five, article twenty-nine, chapter thirty of this code. Those members of the West Virginia National Guard who are so designated as security guards and who have successfully completed such training program are hereby empowered:

(1) To make arrests on military installations of the state or of the United States for any violations of the law of this state or of the United States occurring on any such military installation;

(2) To patrol areas immediately adjacent to military installations to provide for its security and to safeguard military personnel, equipment and other government assets located on said installation: Provided, That nothing in this subparagraph shall confer upon security guards the right to enter upon private property.

(3) To cooperate with state and local authorities in detecting and apprehending any person or persons engaged in or suspected of the commission of any crime, misdemeanor or offense against the law of this state or of the United States, or of any ordinance of any municipality of this state, if such is committed or attempted to be committed on or adjacent to a military installation in this state; and

(4) To respond to areas adjacent to military facilities and installations at the request of state and local authorities to provide support and mutual aid in the event of accidents, emergency or otherwise.

(b) Any security guard, duly appointed by the Adjutant General, knowing or having reasonable cause to believe
that a person has violated the law while situate on a
military installation, may make complaint in writing
before any court or officer having jurisdiction and procure
a warrant for such person.

(c) For the purposes of this section, the term “military
installation” shall mean a facility under the command of
the Adjutant General.

(d) Notwithstanding any provision of this code to the
contrary, bona fide members of the West Virginia National
Guard assigned by the Adjutant General to function as
firefighters to safeguard military property of the state or
of the United States are hereby empowered to respond to
areas adjacent to military facilities and installations at the
request of state and local authorities to provide support
and mutual aid in the event of accidents, emergency or
otherwise.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 12th Day of May, 2009.

Governor