

SB 756

FILED

2009 MAY 12 PM 4: 01

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

WEST VIRGINIA
SECRETARY OF STATE

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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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Senate Bill No. 756

(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
- 2 contrary, bona fide members of the West Virginia National
- 3 Guard assigned by the Adjutant General to function as
- 4 security guards to safeguard military property of the state

5 or of the United States who have successfully completed
6 a training program in law enforcement approved by the
7 Adjutant General and the Superintendent of the West
8 Virginia Department of Public Safety shall be deemed to
9 have met all the requirements for certification as a law-
10 enforcement officer set forth in section five, article
11 twenty-nine, chapter thirty of this code. Those members
12 of the West Virginia National Guard who are so desig-
13 nated as security guards and who have successfully
14 completed such training program are hereby empowered:

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

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

25 (3) To cooperate with state and local authorities in
26 detecting and apprehending any person or persons en-
27 gaged in or suspected of the commission of any crime,
28 misdemeanor or offense against the law of this state or of
29 the United States, or of any ordinance of any municipality
30 of this state, if such is committed or attempted to be
31 committed on or adjacent to a military installation in this
32 state; and

33 (4) To respond to areas adjacent to military facilities
34 and installations at the request of state and local authori-
35 ties to provide support and mutual aid in the event of
36 accidents, emergency or otherwise.

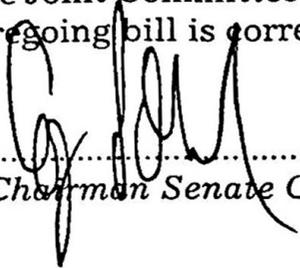
37 (b) Any security guard, duly appointed by the Adjutant
38 General, knowing or having reasonable cause to believe

39 that a person has violated the law while situate on a
40 military installation, may make complaint in writing
41 before any court or officer having jurisdiction and procure
42 a warrant for such person.

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

46 (d) Notwithstanding any provision of this code to the
47 contrary, bona fide members of the West Virginia National
48 Guard assigned by the Adjutant General to function as
49 firefighters to safeguard military property of the state or
50 of the United States are hereby empowered to respond to
51 areas adjacent to military facilities and installations at the
52 request of state and local authorities to provide support
53 and mutual aid in the event of accidents, emergency or
54 otherwise.

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

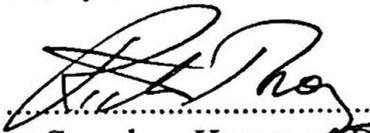
Originated in the Senate.

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 12th
Day of May, 2009.


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Governor

PRESENTED TO THE
GOVERNOR

MAY · 8 2009

Time 10:35 *am*