

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE

REGULAR SESSION, 2015

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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 435

(SENATORS BLAIR, D. HALL, BOSO, CARMICHAEL,
KIRKENDOLL, LAIRD, STOLLINGS, TRUMP, WILLIAMS,
PREZIOSO, PLYMALE, GAUNCH AND
WALTERS, *ORIGINAL SPONSORS*)

[PASSED MARCH 4, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

FILED
2015 MAR 13 P 3:56
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SB 435 (veto)

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PREZIOSO, PLYMALE, GAUNCH AND
WALTERS, ORIGINAL SPONSORS)

[Passed March 4, 2015; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all relating to creating West Virginia Sheriffs' Bureau of Professional Standards; purpose and composition; general powers and duties; officers; promotion of training; standards for vehicles, badges and uniforms; and standards for interagency cooperation.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5 and §7-26-6, all to read as follows:

ARTICLE 26. WEST VIRGINIA SHERIFFS' BUREAU OF PROFESSIONAL STANDARDS.

§7-26-1. Creation; purpose; composition.

1 For the purpose of providing better law enforcement for
2 the counties of our state and for providing standardization
3 and uniformity of services and operation of the sheriff offices
4 throughout the state, there is hereby created the West
5 Virginia Sheriffs' Bureau of Professional Standards. The
6 bureau shall be comprised of nine members, including the
7 Secretary of the Department of Military Affairs and Public
8 Safety, or his or her designee, the Executive Director of the
9 West Virginia Sheriffs' Association, five sheriffs of the
10 counties of West Virginia, to be selected by the West
11 Virginia Sheriffs' Association, and two citizen members
12 representing the general public who shall be appointed by the
13 Secretary of the Department of Military Affairs and Public
14 Safety, with the consent of the Senate, and whose service
15 shall be conditioned upon signing all necessary nondisclosure
16 agreements relating to confidential law-enforcement
17 information. Each bureau member shall serve a two-year
18 term commencing July 1, 2015, except that three of the first
19 five sheriffs designated July 1, 2015, shall serve terms
20 expiring July 1, 2016, at which time new selections for
21 regular two-year terms shall be made for these three
22 positions. Any vacancy on the bureau shall be filled for the
23 remainder of the unexpired term by selection of the West
24 Virginia Sheriffs' Association.

§7-26-2. General powers and duties; legislative rules.

1 The bureau shall have the power to contract and be
2 contracted with relating to training and operation of state
3 sheriff offices. The bureau may recommend policies and
4 procedures to sheriff offices, including, but not limited to,
5 those that promote cooperation between all state and local
6 law-enforcement officers, eliminate duplication of work,
7 promote the proper and efficient operation of the office of the

8 sheriff and which seek to standardize operation of sheriff
9 offices throughout the state. The bureau may propose
10 legislative rules which adopt a standard badge, uniform and
11 color for the motor vehicles used by the various sheriffs and
12 deputy sheriffs of West Virginia.

§7-26-3. Bureau officers.

1 The bureau shall select a chair, vice chair and secretary
2 from within its appointed members to keep an accurate record
3 of the actions of the bureau and perform such duties as the
4 bureau may prescribe.

§7-26-4. Training promoted by the bureau.

1 The bureau may contract with or agree with any state
2 university or college in West Virginia or any other
3 organization for a university, college or other organization to
4 provide specialized training for sheriffs and deputies as it
5 deems appropriate for the efficient operation of a sheriff's
6 office: *Provided*, That nothing herein shall be construed to
7 circumvent or replace the duties or authority of the training
8 of law-enforcement officers in this state as prescribed in
9 article twenty-nine, chapter thirty of this code.

**§7-26-5. Standard color for motor vehicles used by sheriffs; standard
badges and uniforms; wearing other than standard uniform
or badge; unauthorized wearing of official uniforms or
badges.**

1 (a) The bureau, by legislative rules, may adopt a standard
2 color for the motor vehicles used by the various sheriffs and
3 deputy sheriffs of West Virginia.

4 (b) For purposes of uniformity, the bureau may establish
5 a standard badge and uniform to be worn by all sheriffs and
6 deputy sheriffs.

7 (c) On and after July 1, 2015, any sheriff or deputy sheriff
8 shall not wear any uniform or badge other than the standard
9 uniform and badge as provided in subsection (b) of this
10 section, except when engaged in specialized duty or
11 undercover work, or other similar duties wherein the identity
12 of the officer should be undisclosed: *Provided*, That nothing
13 herein shall be construed to prevent members of any military,
14 fraternal or similar organization or any other
15 law-enforcement officer from wearing any insignia officially
16 adopted or worn prior to the effective date of this section.

17 (d) Nothing in this article prevents an honorably retired
18 sheriff or deputy sheriff from acquiring a standard uniform
19 and insignia in accordance with section seventeen-d, article
20 fourteen of this chapter.

§7-26-6. Standards for interagency cooperation.

1 (a) This section is created for the purpose of enhancing
2 cooperative efforts undertaken by sheriff offices for the more
3 efficient investigation and apprehension of persons who
4 violate the criminal laws of the State of West Virginia or the
5 United States and also to assist the victims of such crimes.
6 The provisions of this section are meant to promote
7 interagency communication, intelligence gathering,
8 multijurisdictional investigations, provision of personnel to
9 work on temporary special assignment with the personnel of
10 another sheriff's office and making available equipment,
11 training, technical assistance and information systems.

12 (b) Sheriffs and deputy sheriffs may, from time to time,
13 be called upon by a sheriff of another jurisdiction for
14 assistance during incidents where the resources of that county
15 are not adequate to meet the needs of a particular
16 circumstance or emergency in accordance with article ten,
17 chapter fifteen of this code. Sheriffs and deputy sheriffs are

18 hereby authorized to provide multiagency assistance to
19 another county pursuant to the requirements outlined in this
20 section: *Provided*, That any mutual aid agreement entered
21 into by a sheriff of any county shall remain in effect unless
22 and until the agreement is withdrawn in writing by the sheriff
23 of that county, regardless of whether a new sheriff of the
24 county is elected or appointed.

25 (c) The provisions of this section apply only to requests
26 for assistance made by and to authorized representatives of
27 a sheriff's office whose jurisdiction is involved in a mutual
28 aid agreement pursuant to article ten, chapter fifteen of this
29 code. The provisions of this section shall be activated only
30 upon request by one of the aforementioned authorized
31 representatives or their designee.

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

Mark R. Fitzgerald
.....
Chairman Senate Committee

John B. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clark A. Barnes
.....
Clerk of the Senate

John J. Aronson
.....
Clerk of the House of Delegates

William P. Kelly
.....
President of the Senate

Robert J. Taylor
.....
Speaker of the House of Delegates

The within *is approved* this the *13th*
Day of *March*, 2015.

Carl Ray Lombardi
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 09 2015

Time 2:01 PM