

FILED

2015 MAR 31 A 11: 27

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

REGULAR SESSION, 2015



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 14, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 435

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LAIRD, STOLLINGS, TRUMP, WILLIAMS, PREZIOSO, PLYMALE,
GAUNCH AND WALTERS, *ORIGINAL SPONSORS*)

[Passed March 14, 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; authorizing the bureau to promulgate legislative rules; 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 (a) For the purpose of providing better law enforcement
2 for 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.

6 (b) The bureau shall be comprised of nine members, as
7 follows:

8 (1) Two statutory members:

9 (i) The Secretary of the Department of Military Affairs
10 and Public Safety, or his or her designee; and

11 (ii) The Executive Director of the West Virginia Sheriffs'
12 Association; and

13 (2) Seven members representing the public and law
14 enforcement to be appointed by the Governor:

15 (i) Five sheriffs of the counties of West Virginia, to be
16 recommended for appointment by the West Virginia Sheriffs'
17 Association; and

18 (ii) Two citizen members.

19 (c) Service of members of the bureau shall be conditioned
20 upon signing all necessary nondisclosure agreements relating
21 to confidential law-enforcement information.

22 (d) Each bureau member shall serve a two-year term
23 commencing July 1, 2015, except that three of the first five
24 sheriffs beginning their term on July 1, 2015, shall serve a
25 one-year term expiring July 1, 2016, at which time new
26 selections for regular two-year terms shall be made for these
27 three positions.

28 (e) Any vacancy on the bureau for a sheriff position shall
29 be filled for the remainder of the unexpired term by selection
30 of the West Virginia Sheriffs' Association. Any vacancy on
31 the bureau for a citizen member position shall be filled for the
32 remainder of the unexpired term by appointment of the
33 Governor.

§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 a
27 sheriff's office whose jurisdiction is involved in a mutual aid

28 agreement pursuant to article ten, chapter fifteen of this code.
29 The provisions of this section shall be activated only upon
30 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 Messersmith
.....
Chairman Senate Committee

John B. Hill
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clark A. Barrow
.....
Clerk of the Senate

Stephan J. Amis
.....
Clerk of the House of Delegates

Millie P. Holcomb
.....
President of the Senate

Robert M. Morgan
.....
Speaker of the House of Delegates

The within *is approved* this the *31st*
March
Day of, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2015

Time 3:25 pm