

WEST VIRGINIA LEGISLATURE FILED

2019 FEB 19 P 3:54

2019 REGULAR SESSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

House Bill 2462

BY DELEGATES HOLLEN, CANESTRARO, KELLY, D.,

FOSTER, FAST, HARSHBARGER AND MANDT

[Passed February 11, 2019; in effect ninety days from passage.]

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1 AN ACT to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended,
2 relating to authorizing the carrying of firearms by correctional employees; providing that
3 after successful completion of designated firearms training, the commissioner may issue
4 a certificate to carry division-issued firearms to correctional employees; establishing that
5 authorized correctional employees may carry division-issued firearms during performance
6 of official duties and when traveling to and from work; establishing the commissioner's
7 firearm training program must be equivalent to the firearms training requirements for
8 deputy sheriffs; requiring that the correctional employee must successfully complete an
9 annual designated firearms course as established by the law enforcement professional
10 standards program to maintain the certificate; and providing the certificate bearing the
11 commissioner's signature shall be in a form prescribed by the commissioner.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.

§15A-3-10. Law-enforcement powers of employees; authority to carry firearms.

1 (a) Other than as outlined in this section, a correctional officer employed by the division is
2 not a law-enforcement officer as that term is defined in §30-29-1 of this code.

3 (b) The commissioner is a law-enforcement official, and has the authority to use, and
4 permit and allow or disallow his or her designated employees to use, publicly provided carriage
5 to travel from their residences to their workplace and return: *Provided*, That the usage is subject
6 to the supervision of the commissioner and is directly connected with and required by the nature
7 and in the performance of the official's or designated employee's duties and responsibilities.

8 (c) All employees of the division are responsible for enforcing rules and laws necessary
9 for the control and management of correctional units and the maintenance of public safety that is
10 within the scope of responsibilities of the division.

11 (d) Persons employed by the Division of Corrections and Rehabilitation as correctional
12 officers are authorized and empowered to make arrests of persons already charged with a

13 violation of law who surrender themselves to the correctional officer, to arrest persons already in
14 the custody of the division for violations of law occurring in the officer's presence, to detain
15 persons for violations of state law committed on the property of any facility under the jurisdiction
16 of the commissioner, and to conduct investigations, pursue, and apprehend escapees from the
17 custody of a facility of the division.

18 (e) The commissioner may designate correctional employees as correctional peace
19 officers who have the authority:

20 (1) To detain persons for violations of state law committed on the property of any state
21 correctional institution;

22 (2) To conduct investigations regarding criminal activity occurring within a correctional
23 facility;

24 (3) To execute criminal process or other process in furtherance of these duties; and

25 (4) To apply for, obtain, and execute search warrants necessary for the completion of his
26 or her duties and responsibilities.

27 (f) The Corrections Special Operations Team is continued and consists of the Corrections
28 Emergency Response Team, the K9 unit, and the Crisis Negotiations team created under the
29 former Division of Corrections. The Corrections Special Operations Team serves as the first
30 responder necessary for the protection of life, liberty, and property. It has limited law-enforcement
31 authority regarding matters occurring at jails, correctional centers, and juvenile centers, and arrest
32 powers to apprehend escapees, absconders, and in all matters arising on the grounds of a facility
33 under the care and control of the commissioner: *Provided*, That at any time the Corrections
34 Special Operations Team is apprehending an escapee or an absconder outside the confinement
35 of the facility grounds, it does so with the assistance and cooperation of local law enforcement or
36 the West Virginia State Police.

37 (g) Notwithstanding any provision of this code to the contrary, the commissioner may issue
38 a certificate authorizing any correctional employee who has successfully completed the division's

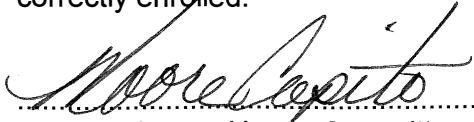
39 training program for firearms certification to carry a firearm in the performance of his or her official
40 duties. The training program shall be approved by the commissioner and be equivalent to the
41 training requirements applicable to deputy sheriffs for the use and handling of firearms. Any
42 correctional employee authorized to do so by the commissioner may carry division-issued
43 firearms while in the performance of his or her official duties, which shall include travel to and
44 from work sites. To maintain certification, a correctional employee must successfully complete an
45 annual firearms qualification course equivalent to that required of certified law-enforcement
46 officers as established by the law enforcement professional standards program. The certificate
47 shall be on a form prescribed by the commissioner and shall bear his or her official signature.


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

FILED

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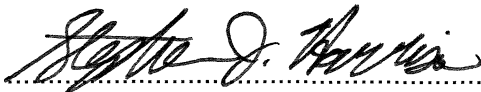
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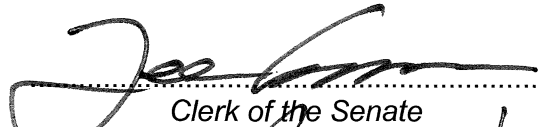

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Chairman, House Committee

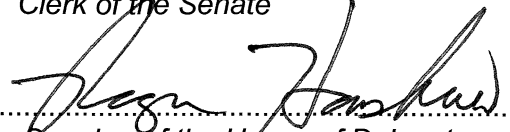

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Chairman, Senate Committee


Originating in the House.

In effect ninety days from passage.



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Clerk of the House of Delegates


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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

The within is approved this the 19th
February
day of 2019.


.....
Governor

PRESENTED TO THE GOVERNOR

FEB 14 2019

Time 3:30 pm