

SB 723

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 723

BY SENATORS BARNHART, DEEDS, AND GRADY

[Passed March 14, 2026; in effect from passage]

FILED
2026 MAR 27 P 4:11
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to amend and reenact §15-10-3 and §15-10-4 of the Code of West Virginia, 1931, as
2 amended, relating to cooperation of law-enforcement agencies; providing definitions; and
3 clarifying the authority for cooperation between law-enforcement agencies and personnel
4 of adjoining states.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-3. Definitions.

1 For purposes of this article only, and unless a different meaning plainly is required:

2 "Criminal justice enforcement personnel" means those persons:

3 (1) Within the state criminal justice system who are actually employed as members of the
4 State Police, members of the Division of Protective Services, natural resources police officers,
5 chiefs of police, police of incorporated municipalities, and county sheriffs and their deputies whose
6 primary duties are investigating crime and apprehending criminals; and

7 (2) Within an adjoining state's criminal justice system who are actually employed as
8 members of a law-enforcement agency and whose primary duties are investigating crime and
9 apprehending criminals.

10 "Head of a law-enforcement agency" means the Superintendent of the State Police, the
11 Director of the Division of Protective Services, the chief natural resources police officer of the
12 Division of Natural Resources, a chief of police of an incorporated municipality, a county sheriff,
13 or the Director of the Division of Forestry.

14 "Head of campus police" means the superintendent or administrative head of state or local
15 law-enforcement officers employed as campus police officers at any state institutions of higher
16 education in accordance with the provisions of §18B-4-5 of this code.

17 "Law-enforcement agency" means an agency of the United States, a state, or a political
18 subdivision of a state, authorized by law to enforce, engage in, or supervise the prevention,
19 detection, investigation, or prosecution of any violation of criminal law to include the State Police,

20 Division of Protective Services, the Natural Resources Police of the Division of Natural
21 Resources, a police department of an incorporated municipality, the Office of the Sheriff of any
22 West Virginia county, or the Division of Forestry.

23 "State or local law-enforcement officer" means any duly authorized member of a law-
24 enforcement agency who is authorized to maintain public peace and order, prevent and detect
25 crime, make arrests, and enforce the laws of the state or any county or municipality thereof, other
26 than parking ordinances, and includes persons employed as campus police officers at state
27 institutions of higher education in accordance with the provisions of §18B-4-5 of this code,
28 although those institutions may not be considered law-enforcement agencies.

**§15-10-4. Cooperation between law-enforcement agencies and other groups of state or
local law-enforcement officers.**

1 (a) The head of any law-enforcement agency, or the head of any campus police, as those
2 terms are defined in §15-10-3 of this code, may temporarily provide assistance and cooperation
3 to another law-enforcement agency of the state or to a federal law-enforcement agency in
4 investigating crimes or possible criminal activity if requested to do so in writing by the head of
5 another law-enforcement agency of the state or federal law-enforcement agency. The head of
6 any law-enforcement agency of this state, or the head of any campus police, as those terms are
7 defined in §15-10-3 of this code, may temporarily receive assistance and cooperation from a law-
8 enforcement agency of an adjoining state in investigating crimes or possible criminal activity if
9 requested to do so in writing and in accordance with the provisions of this section. Such
10 assistance may also be provided upon the request of the head of the law-enforcement agency or
11 federal law-enforcement agency without first being reduced to writing in emergency situations
12 involving the imminent risk of loss of life or serious bodily injury. The assistance may include, but
13 is not limited to, entering into a multijurisdictional task force agreement to integrate federal, state,
14 county and municipal law-enforcement agencies or other groups of state or local law-enforcement
15 officers, or any combination thereof, for the purpose of enhancing interagency coordination,

16 intelligence gathering, facilitating multijurisdictional investigations, providing criminal justice
17 enforcement personnel of the law-enforcement agency to work temporarily with personnel of
18 another agency, including in an undercover capacity, and making available equipment, training,
19 technical assistance and information systems for the more efficient investigation, apprehension
20 and adjudication of persons who violate the criminal laws of this state or the United States and to
21 assist the victims of such crimes. When providing the assistance under this article, a head of a
22 law-enforcement agency shall comply with all applicable statutes, ordinances, rules, policies, or
23 guidelines officially adopted by the state or the governing body of the city or county by which he
24 or she is employed and any conditions or restrictions included therein.

25 (b) While temporarily assigned to work with another law-enforcement agency or agencies,
26 criminal justice enforcement personnel and other state and local law-enforcement officers shall
27 have the same jurisdiction, powers, privileges and immunities, including those relating to the
28 defense of civil actions, as such criminal justice enforcement personnel would enjoy if actually
29 employed by the agency to which they are assigned, in addition to any corresponding or varying
30 jurisdiction, powers, privileges and immunities conferred by virtue of their continued employment
31 with the assisting agency.

32 (c) While assigned to another agency or to a multijurisdictional task force, criminal justice
33 enforcement personnel and other state and local law-enforcement officers shall be subject to the
34 lawful operational commands of the superior officers of the agency or task force to which they are
35 assigned, but for personnel and administrative purposes, including compensation, they shall
36 remain under the control of the assisting agency. These assigned personnel shall continue to be
37 covered by all employee rights and benefits provided by the assisting agency, including workers'
38 compensation, to the same extent as though such personnel were functioning within the normal
39 scope of their duties.

40 (d) No request or agreement between the heads of law-enforcement agencies, or the
41 heads of campus police, made or entered into pursuant to this article shall remain in force or effect

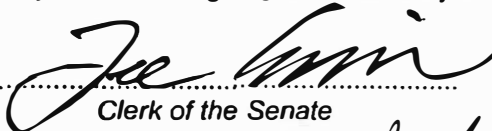
42 until a copy of said request or agreement is filed with the office of the circuit clerk of the county or
43 counties in which the law-enforcement agencies, or the campus police, involved operate.
44 Agreements made pursuant to this article shall remain in effect unless and until the agreement is
45 changed or withdrawn in writing by the head of one of the law-enforcement agencies. Upon filing,
46 the requests or agreements may be sealed, subject to disclosure pursuant to an order of a circuit
47 court directing disclosure for good cause. Nothing in this article shall be construed to limit the
48 authority of the head of a law-enforcement agency or the head of campus police to withdraw from
49 any agreement at any time.

50 (e) Nothing contained in this article shall be construed so as to grant, increase, decrease
51 or in any manner affect the civil service protection or the applicability of civil service laws as to
52 any criminal justice enforcement personnel, or as to any state or local law-enforcement officer or
53 agency operating under the authority of this article, nor shall this article in any way reduce or
54 increase the jurisdiction or authority of any criminal justice enforcement personnel, or of any state
55 or local law-enforcement officer or agency, except as specifically provided herein.

56 (f) Nothing contained in this article shall be construed so as to authorize the permanent
57 consolidation or merger or the elimination of operations of participating federal, state, county, and
58 municipal law-enforcement agencies, or other groups of state and local law-enforcement officers,
59 or campus police.

Enr CS for SB 723

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

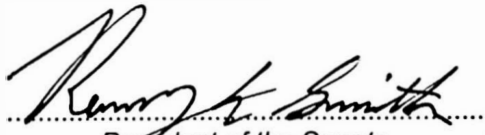

Clerk of the Senate


Clerk of the House of Delegates

FILED
2026 MAR 27 P 4: 11
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect from passage.


President of the Senate


Speaker of the House of Delegates

The within isapproved..... this the.....27th.....
Day ofmarch....., 2026.


Governor

PRESENTED TO THE GOVERNOR

MAR 1973

Time 11:20am