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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

— ● —

ENROLLED

HOUSE BILL No. 2293

(By Delegate Mr. Speaker, Mr. Chambers, et al.)

— ● —

Passed April 10,..... 1993

In Effect - ninety days from -..... Passage

ENROLLED
H. B. 2293

(By MR. SPEAKER, MR. CHAMBERS, AND
DELEGATES MARTIN AND MEZZATESTA)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers of the superintendent of the division of public safety; and authorizing the sale of surplus real property.

Be it enacted by the Legislature of West Virginia:

That section twelve, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. DEPARTMENT OF PUBLIC SAFETY.

§15-2-12. Mission of the division; powers of superintendent, officers and members; patrol of turnpike.

1 (a) The West Virginia division of public safety shall
2 have the mission of statewide enforcement of criminal
3 and traffic laws with emphasis on providing basic
4 enforcement and citizen protection from criminal
5 depredation throughout the state and maintaining the
6 safety of the state's public streets, roads and highways.

7 (b) The superintendent and each of the officers and
8 members of the division are hereby empowered:

9 (1) To make arrests anywhere within the state of any

10 persons charged with the violation of any law of this
11 state, or of the United States, and when a witness to the
12 perpetration of any offense or crime, or to the violation
13 of any law of this state, or of the United States, may
14 arrest without warrant; to arrest and detain any persons
15 suspected of the commission of any felony or misdemea-
16 nor whenever complaint is made and warrant is issued
17 thereon for such arrest, and any person so arrested shall
18 be forthwith brought before the proper tribunal for
19 examination and trial in the county where the offense
20 for which any such arrest has been made was
21 committed;

22 (2) To serve criminal process issued by any court or
23 magistrate anywhere within this state (they shall not
24 serve civil process); and

25 (3) To cooperate with local authorities in detecting
26 crime and in apprehending any person or persons
27 engaged in or suspected of the commission of any crime,
28 misdemeanor or offense against the law of this state, or
29 of the United States, or of any ordinance of any
30 municipality in this state; and to take affidavits in
31 connection with any application to the division of
32 highways, division of motor vehicles and division of
33 public safety of West Virginia for any license, permit
34 or certificate that may be lawfully issued by these
35 divisions of state government.

36 (c) Members of the division of public safety are hereby
37 created forest patrolmen and game and fish wardens
38 throughout the state to do and perform any duties and
39 exercise any powers of such officers, and may apprehend
40 and bring before any court or magistrate having
41 jurisdiction of such matters, anyone violating any of the
42 provisions of chapters twenty, sixty and sixty-one of this
43 code, and the division of public safety shall at any time
44 be subject to the call of the West Virginia alcohol
45 beverage control commissioner to aid in apprehending
46 any person violating any of the provisions of said
47 chapter sixty of this code. They shall serve and execute
48 warrants for the arrest of any person and warrants for
49 the search of any premises issued by any properly
50 constituted authority, and shall exercise all of the

51 powers conferred by law upon a sheriff. They shall not
52 serve any civil process or exercise any of the powers of
53 such officer in civil matters.

54 (d) Any member of the division of public safety
55 knowing or having reason to believe that anyone has
56 violated the law may make complaint in writing before
57 any court or officer having jurisdiction and procure a
58 warrant for such offender, execute the same and bring
59 such person before the proper tribunal having jurisdic-
60 tion. He shall make return on all such warrants to such
61 tribunals and his official title shall be "member of the
62 division of public safety." Members of the division of
63 public safety may execute any summons or process
64 issued by any tribunal having jurisdiction requiring the
65 attendance of any person as a witness before such
66 tribunal and make return thereon as provided by law,
67 and any return by a member of the division of public
68 safety showing the manner of executing such warrant
69 or process shall have the same force and effect as if
70 made by a sheriff.

71 (e) Each member of the division of public safety, when
72 called by the sheriff of any county, or when the governor
73 by proclamation so directs, shall have full power and
74 authority within such county, or within the territory
75 defined by the governor, to direct and command
76 absolutely the assistance of any sheriff, deputy sheriff,
77 chief of police, policeman, game and fish warden, and
78 peace officer of the state, or of any county or municipi-
79 pality therein, or of any able-bodied citizen of the United
80 States, to assist and aid in accomplishing the purposes
81 expressed in this article. When so called, any officer or
82 person shall, during the time his assistance is required,
83 be for all purposes a member of the division of public
84 safety and subject to all the provisions of this article.

85 (f) The superintendent may also assign members of
86 the division to perform police duties on any turnpike or
87 toll road, or any section thereof, operated by the West
88 Virginia parkways, economic development and tourism
89 authority: *Provided*, That such authority shall reim-
90 burse the division of public safety for salaries paid to
91 such members, and shall either pay directly or reim-

92 burse the division for all other expenses of such group
93 of members in accordance with actual or estimated costs
94 determined by the superintendent.

95 (g) The division of public safety may develop proposals
96 for a comprehensive county or multicounty plan on the
97 implementation of an enhanced emergency service
98 telephone system and for causing a public meeting on
99 such proposals, all as set forth in section six-a, article
100 six, chapter twenty-four of this code.

101 (h) The superintendent may also assign members of
102 the division to administer tests for the issuance of
103 commercial drivers' licenses, operator and junior
104 operator licenses as provided for in section seven, article
105 two, chapter seventeen-b of this code: *Provided*, That the
106 division of motor vehicles shall reimburse the division
107 of public safety for salaries and employee benefits paid
108 to such members, and shall either pay directly or
109 reimburse the division for all other expenses of such
110 group of members in accordance with actual costs
111 determined by the superintendent.

112 (i) The superintendent shall be reimbursed by the
113 division of motor vehicles for salaries and employee
114 benefits paid to members of the division of public safety,
115 and shall either be paid directly or reimbursed by the
116 division of motor vehicles for all other expenses of such
117 group of members in accordance with actual costs
118 determined by the superintendent, for services per-
119 formed by such members relating to the duties and
120 obligations of the division of motor vehicles set forth in
121 chapters seventeen, seventeen-a, seventeen-b, seventeen-
122 c and seventeen-d of this code.

123 (j) By the first day of July, one thousand nine hundred
124 ninety-three, the superintendent shall establish a
125 network to implement reports of the disappearance of
126 children by local law-enforcement agencies to local
127 school division superintendents and the state registrar
128 of vital statistics. The network shall be designed to
129 establish cooperative arrangements between local law-
130 enforcement agencies and local school divisions concern-
131 ing reports of missing children and notices to law-

132 enforcement agencies of requests for copies of the
133 cumulative records and birth certificates of missing
134 children. The network shall also establish a mechanism
135 for reporting the identities of all missing children to the
136 state registrar of vital statistics.

137 (k) The superintendent may at his discretion and upon
138 the written request of the West Virginia alcohol
139 beverage control commissioner assist the commissioner
140 in the coordination and enforcement of the alcohol
141 beverage control act and the general law concerning
142 nonintoxicating beer and wine.

143 (l) Notwithstanding the provisions of article one-a,
144 chapter twenty of this code, the superintendent of the
145 division of public safety may sell any surplus property
146 to which the division of public safety or its predecessors
147 retain title, and deposit the net proceeds into a special
148 revenue account to be utilized for the purchase of
149 additional real property and for repairs to or construc-
150 tion of detachment offices or other facilities required by
151 the division of public safety. There is hereby created a
152 special revolving fund in the state treasury which shall
153 be designated as the "surplus real property proceeds
154 fund." The fund shall consist of all money received from
155 the sale of surplus real property owned by the division
156 of public safety. Moneys deposited in the fund shall only
157 be available for expenditure upon appropriation by the
158 Legislature: *Provided*, That amounts collected which are
159 found from time to time to exceed the funds needed for
160 the purposes set forth in this subsection may be
161 transferred to other accounts or funds and redesignated
162 for other purposes by appropriation of the Legislature.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker of the House of Delegates

The within is approved this the 3rd day of May 1993.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/22/93

Time 11:25 am