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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993



# ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 53

(By Senator Wooten)



PASSED March 10, 1993

In Effect 90 days from Passage

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 53**

(SENATOR WOOTON, *original sponsor*)

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

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AN ACT to amend chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten, relating to law enforcement; cooperation between federal, state, municipal and county law-enforcement agencies; providing for mutual assistance in law enforcement among certain law-enforcement agencies; providing for the integration of law-enforcement agency to function on a multijurisdictional basis; term of agreements; withdrawal; and filing requirement.

*Be it enacted by the Legislature of West Virginia:*

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten, to read as follows:

**ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.**

**§15-10-1. Short title.**

- 1 This article shall be known as the "West Virginia
- 2 Law-Enforcement Mutual Assistance Act".

**§15-10-2. Legislative findings.**

1 The Legislature hereby finds and declares that the  
2 commission of various crimes against the peace and  
3 dignity of the state of West Virginia quite often crosses  
4 county and municipal boundaries, affecting the citi-  
5 zenry of this state and making difficult the tasks of  
6 detecting and preventing crime by law-enforcement  
7 agencies due to restrictions imposed by municipal and  
8 county boundaries; that many county and municipal  
9 law-enforcement agencies do not, by themselves, have  
10 sufficient resources in personnel, equipment and  
11 particular areas of expertise to adequately prevent or  
12 detect those crimes or criminal activities which cross  
13 such county and municipal boundaries; that it is in the  
14 best interest of the citizens of this state for law-  
15 enforcement agencies to share resources and to pro-  
16 vide mutual assistance to each other; and that, there-  
17 fore, the Legislature finds and declares that the  
18 various law-enforcement agencies within the state  
19 should be permitted and empowered to share resour-  
20 ces and provide mutual assistance for the prevention  
21 and detection of crime.

**§15-10-3. Definitions.**

1 In this article, unless a different meaning plainly is  
2 required:

3 (1) "Criminal justice enforcement personnel" means  
4 those persons within the state criminal justice system  
5 who are actually employed as members of the division  
6 of public safety, state conservation officers, chiefs of  
7 police and police of incorporated municipalities, and  
8 county sheriffs and their deputies, and whose primary  
9 duties are the investigation of crime and the appre-  
10 hension of criminals.

11 (2) "Head of a law-enforcement agency" means the  
12 superintendent of the division of public safety, the  
13 chief conservation officer of the division of natural  
14 resources, a chief of police of an incorporated munic-  
15 ipality or a county sheriff.

**§15-10-4. Cooperation between law-enforcement agencies.**

1 (a) The head of any law-enforcement agency as  
2 defined in section three of this article may temporarily  
3 provide assistance and cooperation to another agency  
4 of the state criminal justice system or to a federal law-  
5 enforcement agency in investigating crimes or possible  
6 criminal activity if requested to do so in writing by the  
7 head of another law-enforcement agency or federal  
8 law-enforcement agency. Such assistance may also be  
9 provided upon the request of the head of the law-  
10 enforcement agency or federal law-enforcement agen-  
11 cy without first being reduced to writing in emergency  
12 situations involving the imminent risk of loss of life or  
13 serious bodily injury. The assistance may include, but  
14 is not limited to, entering into a multijurisdictional  
15 task force agreement to integrate federal, state, county  
16 and municipal law-enforcement agencies or any  
17 combination thereof, for the purpose of enhancing  
18 interagency coordination, intelligence gathering, facil-  
19 itating multijurisdictional investigations, providing  
20 criminal justice enforcement personnel of the law-  
21 enforcement agency to work temporarily with person-  
22 nel of another agency, including in an undercover  
23 capacity, and making available equipment, training,  
24 technical assistance and information systems for the  
25 more efficient investigation, apprehension and adjud-  
26 ication of persons who violate the criminal laws of this  
27 state or the United States, and to assist the victims of  
28 such crimes. When providing the assistance under the  
29 provisions of this article, a head of a law-enforcement  
30 agency shall comply with all applicable statutes,  
31 ordinances, rules, policies or guidelines officially  
32 adopted by the state or the governing body of the city  
33 or county by which he is employed, and any conditions  
34 or restrictions included therein.

35 (b) While temporarily assigned to work with another  
36 law-enforcement agency or agencies, criminal justice  
37 enforcement personnel shall have the same jurisdic-  
38 tion, powers, privileges and immunities, including  
39 those relating to the defense of civil actions, as such  
40 criminal justice enforcement personnel would enjoy if

41 actually employed by the agency to which they are  
42 assigned, in addition to any corresponding or varying  
43 jurisdiction, powers, privileges and immunities con-  
44 ferred by virtue of their continued employment with  
45 the assisting agency.

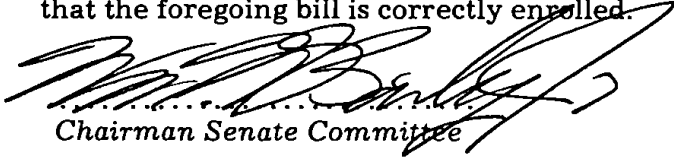
46 (c) While assigned to another agency or to a multi-  
47 jurisdictional task force, criminal justice enforcement  
48 personnel shall be subject to the lawful operational  
49 commands of the superior officers of the agency or  
50 task force to which they are assigned, but for person-  
51 nel and administrative purposes, including compensa-  
52 tion, they shall remain under the control of the  
53 assisting agency. These assigned personnel shall  
54 continue to be covered by all employee rights and  
55 benefits provided by the assisting agency, including  
56 workers' compensation, to the same extent as though  
57 such personnel were functioning within the normal  
58 scope of their duties.

59 (d) No request or agreement between the heads of  
60 law-enforcement agencies made or entered into pursu-  
61 ant to the provisions of this article shall remain in  
62 force and effect for a period of more than twelve  
63 months unless renewed in writing by the parties  
64 thereto nor shall any request or agreement made or  
65 entered into pursuant to the provisions of this article  
66 have force or effect until a copy of said request or  
67 agreement is filed with the office of the circuit clerk  
68 of the county or counties in which the law-enforce-  
69 ment agencies involved operate. Upon filing the  
70 requests or agreements may be sealed subject to  
71 disclosure pursuant to an order of a circuit court  
72 directing disclosure for good cause. Nothing in this  
73 article shall be construed to limit the authority of the  
74 head of a law-enforcement agency to withdraw from  
75 any agreement at any time.

76 (e) Nothing contained in this article shall be  
77 construed so as to grant, increase, decrease or in any  
78 manner affect the civil service protection or the  
79 applicability of civil service laws as to any criminal  
80 justice enforcement personnel or agency operating  
81 under the authority of this article, nor shall this article

82 in any way reduce or increase the jurisdiction or  
83 authority of any criminal justice enforcement person-  
84 nel or agency, except as specifically provided herein.

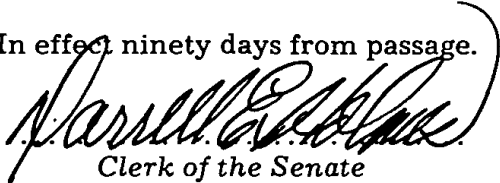
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

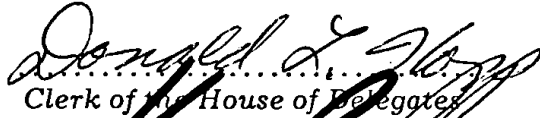
  
Chairman Senate Committee

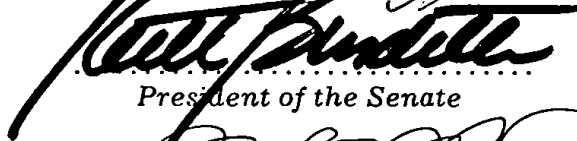
  
Chairman House Committee

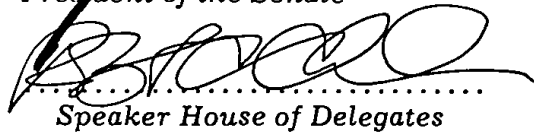
Originated in the Senate.

In effect ninety days from passage.

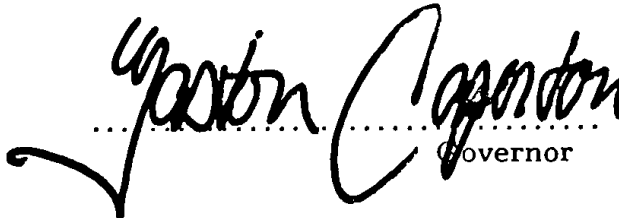
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker House of Delegates

The within is approved.....this the 23rd  
day of March....., 1993.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/17/93

Time 3:31 pm