

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

House Bill No. 2708

(By Delegates Swartzmiller and M. Poling)



Passed March 7, 2011

In Effect Ninety Days From Passage

ENROLLED

H. B. 2708

(BY DELEGATES SWARTZMILLER AND M. POLING)

[Passed March 7, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §15-10-4 of the Code of West Virginia, 1931, as amended, relating to removing a twelve-month limitation for certain agreements between or among law-enforcement agencies to remain in effect; and permitting agreements between or among different law-enforcement agencies to remain in effect unless terminated.

Be it enacted by the Legislature of West Virginia:

That §15-10-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. COOPERATION BETWEEN 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, the head of
- 2 any campus police or the head of the rangers of the
- 3 Hatfield-McCoy regional recreational authority, as those

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

35 (b) While temporarily assigned to work with another
36 law-enforcement agency or agencies, criminal justice
37 enforcement personnel and other state and local
38 law-enforcement officers shall have the same jurisdiction,
39 powers, privileges and immunities, including those relating
40 to the defense of civil actions, as such criminal justice
41 enforcement personnel would enjoy if actually employed by
42 the agency to which they are assigned, in addition to any
43 corresponding or varying jurisdiction, powers, privileges and

44 immunities conferred by virtue of their continued
45 employment with the assisting agency.

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

58 (d) No request or agreement between the heads of
59 law-enforcement agencies, the heads of campus police or the
60 head of the rangers of the Hatfield-McCoy regional
61 recreation authority, made or entered into pursuant to this
62 article shall remain in force or effect until a copy of said
63 request or agreement is filed with the office of the circuit
64 clerk of the county or counties in which the law-enforcement
65 agencies, the campus police, or the Hatfield-McCoy regional
66 recreation authority rangers involved operate. Agreements
67 made pursuant to this article shall remain in effect unless and
68 until the agreement is changed or withdrawn in writing by
69 the head of one of the law-enforcement agencies. Upon
70 filing, the requests or agreements may be sealed, subject to
71 disclosure pursuant to an order of a circuit court directing
72 disclosure for good cause. Nothing in this article shall be
73 construed to limit the authority of the head of a
74 law-enforcement agency, the head of campus police or the
75 head of the rangers of the Hatfield-McCoy regional
76 recreation authority to withdraw from any agreement at any
77 time.

78 (e) Nothing contained in this article shall be construed so
79 as to grant, increase, decrease or in any manner affect the
80 civil service protection or the applicability of civil service
81 laws as to any criminal justice enforcement personnel, or as

82 to any state or local law-enforcement officer or agency
83 operating under the authority of this article, nor shall this
84 article in any way reduce or increase the jurisdiction or
85 authority of any criminal justice enforcement personnel, or of
86 any state or local law-enforcement officer or agency, except
87 as specifically provided herein.

88 (f) Nothing contained in this article shall be construed so
89 as to authorize the permanent consolidation or merger or the
90 elimination of operations of participating federal, state,
91 county municipal law-enforcement agencies, or other groups
92 of state and local law-enforcement officers, the head campus
93 police or the head of the rangers of the Hatfield-McCoy
94 regional recreation authority.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor