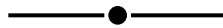


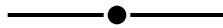
**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2011



**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

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(BY DELEGATES SWARTZMILLER AND M. POLING)

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[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.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take 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 \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2011.

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*Governor*