

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 100**

4 (By Senators Laird, Miller and Williams)

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6 [Originating in the Committee on the Judiciary;

7 reported March 13, 2013.]

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §8-14-3a; and to
13 amend and reenact §15-2-10 of said code, all relating to
14 requiring law-enforcement officers to wear certain armored
15 vests when feasible; requiring municipal police chiefs to
16 create a policy regarding the mandatory use of certain armored
17 vests; and requiring the Superintendent of the West Virginia
18 State Police to create a policy regarding the mandatory use of
19 certain armored vests.

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

21 That the Code of West Virginia, 1931, as amended, be amended
22 by adding thereto a new section, designated §8-14-3a; and that
23 §15-2-10 of said code be amended and reenacted, all to read as
24 follows:

1 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

2 **ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS,**
3 **AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS**
4 **AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE**
5 **AND PARKING LOT OR PARKING BUILDING POLICE**
6 **OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE**
7 **DEPARTMENTS.**

8 **§8-14-3a. Mandatory armored vest wear policy requirement.**

9 Every police force or department of a municipality shall adopt
10 a formal policy by January 1, 2014, that requires all law-
11 enforcement officers in their police force or department to wear an
12 armor vest throughout each duty shift whenever feasible. The terms
13 and exemptions of this mandatory wear policy shall be determined by
14 each chief of police in the reasonable exercise of his or her
15 discretion: *Provided*, That the policy must define an "armor vest"
16 as a vest that has met the performance standards established by the
17 National Law-Enforcement and Corrections Technology Center of the
18 National Institute of Justice (NIJ) as published in NIJ Standard
19 0101.03, or any formal revision of this standard.

20 **CHAPTER 15. PUBLIC SAFETY.**

21 **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

22 **§15-2-10. Uniforms; authorized equipment, weapons and supplies;**
23 **local headquarters; quarters for members; life**

1 **insurance; medical and hospital fees for injuries and**
2 **illnesses of members incurred in line of duty.**

3 (a) The standard uniform to be used by the West Virginia State
4 Police after the effective date of this article shall be as
5 follows: Forestry green blouse with West Virginia State Police
6 emblem on sleeve; black shoulder strap one-inch black stripe around
7 sleeve, four inches from end of sleeve; forestry green breeches
8 with one-inch black stripe down the side; trousers (slacks) with
9 one-inch black stripe down the side for officers and clerks
10 regularly enlisted in the State Police; forestry green shirts with
11 West Virginia State Police emblem on sleeve; black shoulder straps;
12 forestry green mackinaw with West Virginia State Police emblem on
13 sleeve; black shoulder straps; one-inch black stripe around sleeve
14 four inches from end of sleeve; campaign hat of olive drab color;
15 black Sam Browne belt with holster; black leggings and shoes; the
16 officer's uniform will have one and one-quarter inch black stripe
17 around the sleeve of blouse and mackinaw four inches from end of
18 sleeve circumposed with one-half inch gold braid, also black
19 collars on blouse, with two silver shoulder bars for captains, one
20 silver shoulder bar for first lieutenant, one gold shoulder bar for
21 second lieutenant. For noncommissioned officers the uniform blouse
22 and shirt will have thereon black chevrons of the appropriate rank.
23 (b) The superintendent shall establish the weapons and
24 enforcement equipment which are authorized for use by members of

1 the State Police and shall provide for periodic inspection of the
2 weapons and equipment. He or she shall provide for the discipline
3 of members using other than authorized weapons and enforcement
4 equipment.

5 (c) The superintendent shall adopt a formal policy by January
6 1, 2014, that requires all State Police officers to wear an armor
7 vest throughout each duty shift whenever feasible. The terms and
8 exemptions of this mandatory wear policy shall be determined by the
9 superintendent in the reasonable exercise of his or her discretion:
10 Provided, That the policy must define an "armor vest" as a vest
11 that has met the performance standards established by the National
12 Law-Enforcement and Corrections Technology Center of the National
13 Institute of Justice (NIJ) as published in NIJ Standard 0101.03, or
14 any formal revision of this standard.

15 ~~(c)~~ (d) The superintendent shall provide the members of the
16 State Police with suitable arms and weapons and, when he or she
17 considers it necessary, with suitably equipped automobiles,
18 motorcycles, watercraft, airplanes and other means of conveyance to
19 be used by the West Virginia State Police, the Governor and other
20 officers and executives in the discretion of the Governor, in times
21 of flood, disaster and other emergencies, for traffic study and
22 control, criminal and safety work and in other matters of official
23 business. He or she shall also provide the standard uniforms for
24 all members of the State Police, for officers, noncommissioned

1 officers and troopers provided for in this section. All uniforms
2 and all arms, weapons and other property furnished the members of
3 the State Police by the State of West Virginia are and remain the
4 property of the state.

5 ~~(d)~~ (e) The superintendent may purchase and maintain on behalf
6 of members group life insurance not to exceed the amount of \$5,000
7 on behalf of each member.

8 ~~(e)~~ (f) The superintendent may contract and furnish at State
9 Police expense medical and hospital services for treatment of
10 illness or injury of a member which shall be determined by the
11 superintendent to have been incurred by the member while engaged in
12 the performance of duty and from causes beyond control of the
13 members. Notwithstanding any other provision of this code, the
14 superintendent has the right of subrogation in any civil action or
15 settlement brought by or on behalf of a member in relation to any
16 act by another which results in the illness, injury or death of a
17 member. To this end, the superintendent may initiate an action on
18 behalf of the State Police in order to recover the costs incurred
19 in providing medical and hospital services for the treatment of a
20 member resulting from injury or illness originating in the
21 performance of official duties. This subsection shall not affect
22 the power of a court to apply ordinary equitable defenses to the
23 right of subrogation.

24 The superintendent may also consult with the executive

1 director of the Workers' Compensation Commission in an effort to
2 defray the cost of medical and hospital services. In no case will
3 the compensation rendered to health care providers for medical and
4 hospital services exceed the then current rate schedule in use by
5 the Workers' Compensation Commission.

6 Third-party reimbursements received by the superintendent
7 after the expiration of the fiscal year in which the injury,
8 illness or death occurred will be deposited to a nonexpiring
9 special revenue account. Funds deposited to this account may be
10 used solely for defraying the costs of medical or hospital services
11 rendered to any sworn members as a direct result of an illness,
12 injury or death resulting from the performance of official duties.

13 ~~(f)~~ (g) The superintendent shall establish and maintain local
14 headquarters at those places in West Virginia that are in his or
15 her judgment suitable and proper to render the West Virginia State
16 Police most efficient for the purpose of preserving the peace,
17 protecting property, preventing crime, apprehending criminals and
18 carrying into effect all other provisions of this article. The
19 superintendent shall provide, by acquisition, lease or otherwise,
20 for local headquarters, for housing and quarters for the
21 accommodation of the members of the West Virginia State Police, and
22 for any other facilities necessary or useful for the effective
23 operation of the West Virginia State Police and shall provide all
24 equipment and supplies necessary for the members of the West

1 Virginia State Police to perform their duties.

NOTE: The purpose of this bill is to require West Virginia law enforcement officers to wear armored vests whenever feasible.

§8-14-3a is new; therefore, strike-throughs and underscoring have been omitted.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.