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ENROLLED

H. B. 2780

(By Delegates Pasdon, Statler, Kurcaba, Duke, Sobonya,
Espinosa, Rohrbach, Fleischauer, Miller, Morgan and Frich)

[Passed March 12, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, and to amend and reenact §30-29-8 of said code, all relating to enhancing the ability of campus police officers at state institutions of higher education to perform their duties; authorizing certain higher education campus police officers to receive compensation for attending law-enforcement training academies; authorizing governing boards to apply for certain funds available to law-enforcement agencies; authorizing governing boards to compensate campus police officers for attending law-enforcement training academies; and providing for agreements to reimburse employers for wages and expenses of employees trained but not continuing employment.

Be it enacted by the Legislature of West Virginia:

That §18B-4-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §30-29-8 of said code be amended and reenacted, all to read as follows:

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE 4. GENERAL ADMINISTRATION.

1 **§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation and**
2 **removal; law enforcement grants.**

3 (a) The governing boards may appoint bona fide residents of this state to serve as campus
4 police officers upon any premises owned or leased by the State of West Virginia and under the
5 jurisdiction of the governing boards, subject to the conditions and restrictions established in this
6 section.

7 (1) A person who previously was qualified for employment as a law-enforcement officer for
8 a state agency or political subdivision of the state is considered certified for appointment as a campus
9 police officer at the state institutions of higher education under the jurisdiction of the governing
10 boards of Marshall University and West Virginia University.

11 (2) Before performing duties as a campus police officer in any county, a person shall qualify
12 as is required of county police officers by:

13 (A) Taking and filing an oath of office as required by article one, chapter six of this code; and

14 (B) Posting an official bond as required by article two, chapter six of this code.

15 (b) A campus police officer may carry a gun and any other dangerous weapon while on duty
16 if the officer fulfills the certification requirement for law-enforcement officers under section five,
17 article twenty-nine, chapter thirty of this code or meets the requirements of subsection (a) of this
18 section.

19 (c) It is the duty of a campus police officer to preserve law and order:

20 (1) On the premises under the jurisdiction of the governing board; and

21 (2) On any street, road or thoroughfare, except controlled access and open country highways,
22 immediately adjacent to or passing through premises, to which the officer is assigned by the

1 president of the institution.

2 (A) For the purpose of this subdivision, the campus police officer is a law-enforcement
3 officer pursuant to the provisions of section one, article twenty-nine, chapter thirty of this code.

4 (B) The officer has and may exercise all the powers and authority of a law-enforcement
5 officer as to offenses committed within the area assigned;

6 (C) The officer is subject to all the requirements and responsibilities of a law-enforcement
7 officer;

8 (D) Authority assigned pursuant to this subdivision does not supersede in any way the
9 authority or duty of other law-enforcement officers to preserve law and order on such premises.

10 (E) Campus police officers may assist a local law-enforcement agency on public highways.
11 The assistance may be provided to control traffic in and around premises owned by the state when:

12 (i) Traffic is generated as a result of athletic or other activities conducted or sponsored by the
13 institution; and

14 (ii) The assistance has been requested by the local law-enforcement agency; and

15 (F) Campus police officers may assist a local law-enforcement agency in any location under
16 the agency's jurisdiction at the request of the agency.

17 (d) The salary of a campus police officer is paid by the employing governing board. A state
18 institution may furnish each campus police officer with a firearm and an official uniform to be worn
19 while on duty. The institution shall furnish and require each officer while on duty to wear a shield
20 with an appropriate inscription and to carry credentials certifying the person's identity and authority
21 as a campus police officer.

22 (e) A governing board may at its pleasure revoke the authority of any campus police officer

1 and such officers serve at the will and pleasure of the governing board. The president of the state
2 institution shall report the termination of employment of a campus police officer by filing a notice
3 to that effect in the office of the clerk of each county in which the campus police officer's oath of
4 office was filed.

5 (f) Notwithstanding any other provisions of this code to the contrary, and for purposes of
6 enhancing the ability of campus police officers to perform their duties, a governing board may apply
7 for and receive any public or private grant or other financial award that is available to other
8 law-enforcement agencies in the state.

9 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

10 **ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.**

11 **§30-29-8. Compensation for employees attending law-enforcement training academy; 12 limitations; agreements to reimburse employers for wages and expenses of 13 employees trained but not continuing employment.**

14 (a) A West Virginia law-enforcement agency shall, and a governing board may, pay
15 compensation to employees, including wages, salaries, benefits, tuition and expenses, for the
16 employees' attendance at a law-enforcement training academy. The compensation paid to the
17 employees for such attendance may not include overtime compensation under the provisions of
18 section three, article five-c, chapter twenty-one of this code and shall be at the regular rate to which
19 each employee would be entitled for a workweek of forty hours in regular employment with the
20 employer.

21 (b) In consideration for such compensation, the governing board, county commission or
22 municipal government may require each employee to enter into a written agreement in advance of

1 such attendance that obligates the employee to repay the employer if he or she voluntarily
2 discontinues employment within one year immediately following completion of the training
3 curriculum. The amount of repayment shall be a pro rata portion of the total compensation which is
4 equal to the portion of the year which the employee chose not to remain employed.

5 (c) As used in this section, "governing board" has the meaning ascribed in section two, article
6 one, chapter eighteen-b of this code.