

**H. B. 2780**

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

[Introduced February 17, 2015; referred to the  
Committee on Education then Finance.]

A BILL 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.**

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

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

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

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

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

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

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

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

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

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

1 president of the ~~state~~ institution. ~~of higher education~~

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 a  
13 ~~state~~ the institution; ~~of higher education~~ 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 ~~appropriate~~ employing governing  
18 board. ~~Each~~ A state institution may furnish each campus police officer with a firearm and an official  
19 uniform to be worn while on duty. The institution shall furnish and require each officer while on  
20 duty to wear a shield with an appropriate inscription and to carry credentials certifying ~~to the person's~~  
21 identity and authority 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 of a law-enforcement agency for such attendance at a law-enforcement training academy  
 18 ~~as provided in this section shall~~ may not include overtime compensation under the provisions of  
 19 section three, article five-c, chapter twenty-one of this code and shall be at the regular rate to which  
 20 ~~the each~~ employee would be entitled for a workweek of forty hours in regular employment with the  
 21 ~~agency~~ employer.

22 (b) In consideration for such compensation, the governing board, county commission or

1 municipal government may require ~~of its employees by written agreement entered into with each of~~  
 2 ~~them~~ each employee to enter into a written agreement in advance of such attendance ~~at a training~~  
 3 ~~academy that, if an employee should voluntarily discontinue employment any time~~ that obligates the  
 4 employee to repay the employer if he or she voluntarily discontinues employment within one year  
 5 immediately following completion of the training curriculum. ~~he or she shall be obligated to pay to~~  
 6 ~~such county commission, or municipal government~~ The amount of repayment shall be a pro rata  
 7 portion of the ~~sum of such~~ total compensation which is equal to ~~that part of such~~ the portion of the  
 8 year which the employee ~~has chosen~~ chose not to remain in the employ of the county commission,  
 9 ~~or municipal government~~ employed.

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

NOTE: The purpose of this bill is to authorize governing boards to apply for funds available to law-enforcement agencies for the benefit of campus police officers and to enter into agreements for compensation of employees for attending law-enforcement training academies.

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