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**Senate Bill No. 435**

(By Senators Blair, D. Hall, Boso, Carmichael, Kirkendoll, Laird, Stollings, Trump, Williams,  
Prezioso, Plymale, Gaunch and Walters)

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[Introduced February 9, 2015; referred to the Committee on Government Organization; and then  
to the Committee on the Judiciary.]

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A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5, §7-26-6 and §7-26-7, all relating  
to creating West Virginia Sheriffs’ Bureau of Professional Standards.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
article, designated §7-26-1, §7-26-2, §7-26-3, §7-26-4, §7-26-5, §7-26-6 and §7-26-7, all to read as  
follows:

**ARTICLE 26. WEST VIRGINIA SHERIFFS' BUREAU OF PROFESSIONAL  
STANDARDS.**

**§7-26-1. Creation; purpose; composition.**

For the purpose of providing better law enforcement for our counties and state and for  
providing standardization and uniformity of services and operation of the offices of the sheriff  
throughout the state, there is hereby created the West Virginia Sheriffs' Bureau of Professional

1 Standards. The bureau shall be constituted by the Secretary of the Division of Military Affairs and  
2 Public Safety, or his or her designee, the Executive Director of the West Virginia Sheriffs'  
3 Association and five sheriffs of the counties of West Virginia, to be selected by the West Virginia  
4 Sheriffs' Association, each for a term of two years, commencing July 1, 2015; except that three of  
5 the first five sheriffs designated July 1, 2015, shall serve terms expiring July 1, 2016, at which time  
6 new selections for regular two-year terms shall be made for these three positions. Any vacancy on  
7 the bureau shall be filled for the remainder of the unexpired term by selection of the West Virginia  
8 Sheriffs' Association.

9 **§7-26-2. General powers and duties.**

10 (a) The bureau shall have the power to contract and be contracted with, to recommend  
11 cooperative policies for the coordination of the law-enforcement work of county agencies and county  
12 officials having law-enforcement duties, in seeking to promote cooperation between all state and  
13 local law officers, in securing efficient and effective law enforcement, in eliminating duplication of  
14 work, and in promoting economy of operation in the agencies through the central purchase of  
15 supplies and equipment for all local law-enforcement agencies. The bureau may recommend policy  
16 and procedures to sheriff's offices which facilitate the proper and efficient operation of the office  
17 of the sheriff which also may standardize operation of the offices throughout the state.

18 (b) The bureau is authorized to propose legislative rules for legislative approval in  
19 accordance with article three, chapter twenty-nine-a of this code in order to implement the provisions  
20 of this article.

21 **§7-26-3. Bureau officers.**

1           The bureau shall select a chair, vice chair and secretary from within its appointed members  
2 to keep an accurate record of the actions of the bureau and perform such duties as the bureau may  
3 prescribe.

4 **§7-26-4. Training approved by the bureau.**

5           The bureau may contract with, agree with or prescribe standards with any state university or  
6 college in West Virginia or any other organization for a university, college or other organization to  
7 provide specialized training for sheriffs and deputies as it deems appropriate for the efficient  
8 operation of a sheriff's office: *Provided*, That nothing herein shall be construed to circumvent or  
9 replace the duties or authority of the training of law- enforcement officers in this state as prescribed  
10 in article twenty-nine, chapter thirty of this code.

11 **§7-26-5. Purchase of equipment and supplies; use of facilities of department of purchases.**

12           The bureau shall be governed by all state laws regulating the purchase of supplies and  
13 equipment as apply to other state agencies, and may enter into contracts with other state agencies to  
14 make available equipment and/or services available by state contract competitive bid practices. The  
15 bureau may use the facilities of the State Purchasing Division and avail itself of the benefits of any  
16 general contract held by the division for the purchase of any equipment or supplies for state agencies.

17 **§7-26-6. Standard color for motor vehicles used by sheriffs; standard badges and uniforms;  
18 wearing other than standard uniform or badge; unauthorized wearing of official  
19 uniforms or badges.**

20           (a) The bureau, by Legislative rules, may adopt a standard color for the motor vehicles used  
21 by the various sheriffs and deputy sheriffs of West Virginia.

1 (b) For purposes of uniformity the bureau may establish a standard badge and uniform to be  
2 worn by all sheriffs and deputy sheriffs.

3 (c) On and after July 1 2015, it is unlawful for any sheriff or deputy sheriff to wear other than  
4 the standard uniform and badge as provided by the preceding paragraph, except when engaged in  
5 specialized duty or undercover work, or other similar duties wherein the identity of the officer should  
6 be undisclosed. When so adopted by the bureau it shall be unlawful for any person other than sheriffs  
7 and deputy sheriffs to wear an official sheriff's badge or uniform as prescribed by the bureau, or to  
8 wear a badge or insignia of such similarity to the official sheriff's badge as to be indistinguishable  
9 therefrom at a distance of twenty feet: *Provided*, That nothing herein shall be construed to prevent  
10 members of any military, fraternal, or similar organization or any other law-enforcement officer from  
11 wearing any insignia officially adopted or worn prior to the effective date of this section.

12 (d) Nothing in this article prevents an honorably retired sheriff or deputy sheriff from  
13 acquiring a standard uniform and insignia in accordance with section seventeen-d, article fourteen,  
14 chapter seven of this code.

15 (e) A person violating any of the provisions of this section is guilty of a misdemeanor and  
16 upon conviction thereof shall be fined not more than \$500 or confined in jail not more that six  
17 months, or both fined and confined.

18 **§7-26-7. Standards for inter-agency cooperation.**

19 (a) (1) This section is created in order to enhance and foster cooperative efforts undertaken  
20 by sheriff's offices with the purpose of enhancing inter-agency coordination, inter-agency  
21 communication, intelligence gathering, facilitating multijurisdictional investigations, providing

1 personnel to work on temporary special assignment with the personnel of another sheriff's office,  
2 including in an undercover capacity, and making available equipment, training, technical assistance  
3 and information systems for the more efficient investigation, apprehension and adjudication of  
4 persons who violate the criminal laws of the State of West Virginia or of the United States, and to  
5 assist the victims of such crimes.

6 (2) Sheriffs and sheriff's deputies may, from time to time, be called upon by a sheriff of  
7 another jurisdiction for assistance during incidents where the resources of that county are not  
8 adequate to meet the needs of a particular circumstance or emergency. Sheriffs and deputy sheriffs  
9 are hereby authorized to provide multiagency assistance to another county pursuant to the  
10 requirements outlined in this section.

11 (b) All law- enforcement sheriff's deputies assigned pursuant to this section shall have the  
12 same jurisdiction, powers, privileges and immunities, including those related to the defense of civil  
13 actions, as they would if they were actually employed by the law-enforcement agency in whose  
14 bailiwick they are performing their duties and shall all retain all jurisdiction, powers, privileges, and  
15 immunities conferred by virtue of their actual employment.

16 (c) While assigned to another sheriff's office pursuant to this agreement, or to a  
17 multijurisdictional task force, personnel shall be subject to the lawful operational commands of the  
18 superior officers of the agency or task force to which they are assigned, but for personnel  
19 administrative purposes, including compensation, they shall remain under the control of their  
20 employing agency. These assigned personnel shall continue to be covered by all employee rights and  
21 benefits provided by their employing agency, including workers' compensation, to the same extent

1 as if functioning within their normal scope of duties. Sheriff's deputies temporarily assigned  
2 pursuant to this agreement shall continue to be covered by liability insurance by their employing  
3 agencies.

4 (d) Nothing in this agreement may be construed so as to grant, increase, decrease or in any  
5 manner affect the civil service protection of deputy sheriffs or the applicability of deputy sheriff civil  
6 service laws as to any law-enforcement personnel or agency operating under this agreement, nor shall  
7 this agreement in any way reduce or increase the jurisdiction or authority of any law- enforcement  
8 personnel except as specifically provided herein.

9 (e) The provisions of this section apply only to requests for assistance made by and to  
10 authorized representatives of a sheriff's office whose jurisdiction is involved in a mutual aid  
11 activity. The provisions of this section shall be activated only upon request by one of the  
12 aforementioned authorized representatives or their designee.

NOTE: This bill creates the West Virginia Sheriffs Professional Standards Bureau.

This article is new; therefore strike-throughs and underscoring have been omitted.