

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 254

BY SENATOR TRUMP

[Introduced January 13, 2016;

Referred to the Committee on Government

Organization; and then to the Committee on the

Judiciary.]

1 A BILL to amend and reenact §7-11-5 of the Code of West Virginia, 1931, as amended, relating
 2 to prohibiting county parks commission from exercising rule-making authority to ban
 3 firearms.

Be it enacted by the Legislature of West Virginia:

1 That §7-11-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 11. COUNTY PARKS AND RECREATION COMMISSIONS.

**§7-11-5. General powers of commission; rules and regulations; misdemeanor offenses;
 park police authorized.**

1 The commission shall have the necessary powers and authority to manage and control all
 2 public parks and recreational properties and facilities owned by the county or commission and
 3 used as a part of such public parks and recreation system, including the right to promulgate rules
 4 and regulations concerning the management and control of such parks and recreational
 5 properties and facilities with the exception of rules and regulations prohibiting firearms and to
 6 enforce any such rules and regulations so promulgated.

7 The commission shall also have plenary power and authority to prepare and submit to the
 8 county ~~court~~ commission for adoption rules and regulations regulating the use of any parks and
 9 recreational properties and facilities under the control of the commission and prohibiting any type
 10 of use of or activities in connection with any such properties or facilities, and any such rules and
 11 regulations, if so adopted, shall be duly entered of record in the order book of the county ~~court~~
 12 commission The violation of any such rule and regulation so adopted by the county ~~court~~
 13 commission shall constitute a misdemeanor and, any person convicted of any such violation shall
 14 be punished by a fine of not less than \$5 nor more than \$100, or by imprisonment in jail for a
 15 period not exceeding thirty days, or by both such fine and imprisonment. ~~Justices of the peace~~
 16 Magistrates of the county shall have concurrent jurisdiction with the circuit court and other courts
 17 of record (having criminal jurisdiction) of any misdemeanor offenses arising under this article. The

18 violation of any such rule and regulation which also constitutes the violation of any state law or
19 municipal ordinance may be prosecuted and punished as a violation of such state law or municipal
20 ordinance rather than under the provisions of this section. To enforce any such rules and
21 regulations, to protect and preserve all properties and facilities under the control of the
22 commission and to preserve law and order in connection therewith, the commission shall have
23 plenary power and authority to provide in its bylaws procedures for the appointment, supervision
24 and discharge of one or more park police officers. Whenever any such appointment is made, a
25 copy of the order of appointment shall be filed by the commission with the county ~~court~~
26 commission.

27 In any area under the jurisdiction and control of the commission, or in connection with any
28 properties or facilities under the jurisdiction and control of the commission, or in pursuit of one or
29 more individuals therefrom, any park police officer so appointed shall have all of the power and
30 authority which a regularly appointed deputy sheriff of such county has in enforcing the criminal
31 laws of the state. Notwithstanding any provisions of this code to the contrary, park police officers
32 appointed as aforesaid shall not be required to obtain a state license to carry a weapon, as
33 required by the provisions of section two, article seven, chapter sixty-one of this code. When any
34 such commission has purchased one or more policies of public liability insurance providing the
35 commission and its officers, agents and employees insurance coverage for legal liability of said
36 commission and its officers, agents and employees for bodily injury, personal injury or damage
37 (including, but not limited to, false arrest and false imprisonment) and property damage, and
38 affording said commission and its officers, agents and employees insurance coverage against
39 any and all legal liability arising from, growing out of, by reason of or in any way connected with,
40 any acts or omissions of said commission, or its officers, agents or employees in the performance
41 of their official duties, and so long as the coverage aforesaid remains in full force and effect as to

42 such park police officers, then the bond specified in section five, article seven of said chapter
43 sixty-one shall not be required as to such park police officers.

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NOTE: The purpose of this bill is to not allow county park commissions to prohibit firearms in their facilities.

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