

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 213

BY SENATOR TRUMP

[Introduced February 9, 2017; referred

to the Committee on Government Organization]

1 A BILL to amend and reenact §15-2-25 of the Code of West Virginia, 1931, as amended, relating
2 to requiring West Virginia State Police disciplinary records be retained in perpetuity; and
3 requiring rulemaking.

Be it enacted by the Legislature of West Virginia:

1 That §15-2-25 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-25. Rules generally; retention of documents; carrying of weapons upon retirement or medical discharge.

1 (a) Subject to the written approval of the Governor and the provisions of this article, the
2 superintendent ~~may~~ shall make and promulgate proper rules for the government, discipline and
3 control of the West Virginia State Police and shall also cause to be established proper rules for
4 the examinations of all applicants for appointment thereto.

5 (b) In order to better facilitate the operation of a progressive system of discipline, to provide for proper vetting for potential leadership positions and promotions, and potential litigation all records and documents associated with complaints, allegations of employee misconduct, enhanced reporting for use of force incidents, progressive employee discipline and internal systems aimed at evaluating and addressing employee issues shall be kept in perpetuity.

10 (c) The members of the West Virginia State Police shall be permitted to carry arms and
11 weapons and no license may be required for the privilege.

12 (d) Upon retirement or medical discharge from the West Virginia State Police and with the
13 written consent of the superintendent, any retired or medically discharged member may carry a
14 handgun for the life of the member following retirement or medical discharge notwithstanding the
15 provisions of article seven, chapter sixty-one of this code: *Provided*, That the superintendent's
16 written letter of consent to carry a handgun may not last for more than five years at a time and a
17 retired or medically discharged member who wishes to continue to carry a handgun beyond five

18 years of the date of his or her initial retirement or medical discharge must request and obtain a
19 renewal of the superintendent's written permission to carry a handgun at least once every five
20 years. A retired or medically discharged member desiring to carry a handgun after retirement or
21 medical discharge must provide his or her own handgun. Upon request, each member shall be
22 presented with a letter of authorization signed by the superintendent authorizing the retired or
23 medically discharged member to carry a handgun. The written authorization shall be carried by
24 the retired or medically discharged member at all times that he or she has a handgun on his or
25 her person. The superintendent may not issue a letter of authorization to any retired or medically
26 discharged member who is no longer employed by the State Police due to a mental disability or
27 who the superintendent has reason to believe is mentally incapacitated to the extent it would
28 present a threat of physical harm to one or more persons for the member to carry a concealed
29 weapon. The superintendent may revoke the authority at any time without cause and without
30 recourse. Conviction of the retired or medically discharged member for the commission of any
31 felony or for a misdemeanor involving the improper or illegal use of a firearm shall cause this
32 authority to terminate immediately without a hearing or other recourse and without any action on
33 the part of the superintendent. The superintendent shall promulgate a legislative rule in
34 accordance with the provisions of chapter twenty-nine-a of this code, which rule shall prescribe
35 requirements necessary for the issuance and continuance of the authority herein granted.

NOTE: The purpose of this bill is to require the West Virginia State Police to retain disciplinary records in perpetuity. The bill also requires rule-making.

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