

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2713

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HIGGINBOTHAM, DEAN, FOLK, GEARHEART AND MAYNARD

[Introduced February 27, 2017; Referred
to the Committee on Education then the Judiciary.]

1 A BILL amend and reenact §18B-4-5a of the Code of West Virginia, 1931, as amended, relating
2 to permitting the carrying of concealed weapons on the campus of a state institution of
3 higher education.

Be it enacted by the Legislature of West Virginia:

1 That §18B-4-5a of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 4. GENERAL ADMINISTRATION.

**§18B-4-5a. Crimes committed on campus of institutions of higher education; permitting
concealed weapons on campus.**

1 (a) The president or a designee of each state institution of higher education shall on a
2 regular and timely basis provide information to the public concerning alleged crimes occurring on
3 the institution's property which have been reported to a campus police officer or any other officer
4 of the institution.

5 (1) A crime is considered reported when:

6 (A) A campus police officer or other officer of the institution determines that the report is
7 credible;

8 (B) The report is submitted in writing and attested to by the victim on forms at the institution
9 for such purpose; or

10 (C) The institution is notified by a law-enforcement agency of the reporting of a crime
11 alleged to have occurred on the institution's property.

12 (2) Such reports are referred within twenty-four hours to the appropriate law-enforcement
13 agencies, as defined in section one, article twenty-nine, chapter thirty of this code, for further
14 investigation.

15 (b) For the state institutions of higher education under the jurisdiction of the Governing
16 Board of Marshall University and for the state institution of higher education known as West
17 Virginia University only, the campus police shall investigate a crime within their respective

18 jurisdictions for up to thirty days if the county prosecuting attorney does not reassign the case to
19 another agency sooner.

20 (c) The information required to be made available to the public regarding the crime report
21 shall be available within ten days of the report. The information shall include the nature of the
22 criminal offense, the date of the offense, the general location of the offense (such as a designation
23 of a specific building or area of the campus) and the time of day when the offense occurred.

24 (1) This subsection does not require the release of any information which may disclose
25 the identity of the victim.

26 (2) The institution shall withhold the information required to be made available to the public
27 for a longer period upon certification of investigative need that the information be withheld from
28 the public.

29 (A) The certification shall be filed by an officer of one of the investigating law-enforcement
30 agencies with the president of the institution or the designee to whom the duties required by this
31 section have been delegated.

32 (B) The required information may not be withheld after an arrest has been made in
33 connection with the crime report.

34 (d) For purposes of this section, "crime" is defined as those offenses required to be
35 reported under the federal Crime Awareness and Campus Security Act of 1990, as amended.
36 "Crime" includes murder, rape, robbery, aggravated assault, burglary, motor vehicle theft and
37 arrests for liquor, drug or weapons laws violations: Provided, That it is not unlawful for individuals
38 who have been issued state licenses to carry concealed deadly weapons pursuant to section four,
39 article seven, chapter sixty-one of this code, to carry such a weapon on the campus of a state
40 institution of higher education.

41 (e) The Council and Commission shall provide crime reporting forms to institutions under
42 their respective jurisdictions and promulgate a rule pursuant to the provisions of article three-a,
43 chapter twenty-nine-a of this code as necessary to implement this section.

NOTE: The purpose of this bill is to permit the carrying of concealed weapons on the campus of a state institution of higher education by individuals who have been issued state licenses to carry concealed deadly weapons pursuant to W. Va. Code, §61-7-4.

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