

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 102

SENATOR TRUMP, *original sponsor*

[Originating in the Committee on the Judiciary;

Reported on January 25, 2019]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §51-3-19, relating to granting courthouse security officers arrest powers under
3 certain circumstances; authorizing certain West Virginia courthouse security officers to
4 carry concealed firearms while off duty with court approval; setting forth firearm training
5 and qualification requirements; requiring supervising authority to issue photo identification
6 and certification cards; specifying policy content; and stating legislative intent that the new
7 code section be consistent with the federal Law-Enforcement Officers Safety Act.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. COURTS IN GENERAL.

§51-3-19. Courthouse security officers; arrest authority; concealed-carry authority; requirements for participation; authorization to carry firearms concealed consistent with federal law.

1 (a) In furtherance of enhanced courthouse security for court personnel, litigants, and the
2 general public, court security officers charged with effecting courthouse security personnel may
3 arrest any person committing a violation of the criminal laws of the State of West Virginia, the
4 United States, or a violation of Rule 42 of the West Virginia Rules of Criminal Procedure occurring
5 within a courthouse during the officer's duty hours;

6 (b) For purposes of subsection (a) of this section, the arrest authority of courthouse
7 security officers is consistent with that of a county deputy sheriff;

8 (c) In any judicial circuit where there is an order in effect authorizing courthouse security
9 officers to carry a firearm, the circuit court may also authorize, consistent with the provisions of
10 this section, qualifying court security officers to carry a concealed firearm for self-defense
11 purposes pursuant to 18 U.S.C. § 926B, upon the following criteria being met:

12 (1) The supervising authority of the courthouse security officer shall require courthouse
13 officers desiring to participate to regularly qualify in the use of firearms with standards therefor
14 which are equal to or exceed those required of sheriff's deputies in the county in which the

15 security officers are employed;

16 (2) The supervising authority of the courthouse security officers shall issue photographic
17 identification and certification cards which identify the courthouse security officers as law-
18 enforcement employees of the supervising entity pursuant to the provisions of §30-29-12 of this
19 code;

20 (3) Any policy instituted pursuant to this section shall include provisions that:

21 (A) Preclude or remove a person from participation in the concealed firearm program who
22 is subject to any disciplinary or legal action which could result in the loss of his or her authority to
23 participate in the program;

24 (B) Preclude from participation persons prohibited by federal or state law from possessing
25 or receiving a firearm; and

26 (C) Prohibit persons from carrying a firearm pursuant to this subsection while in an
27 impaired state as defined in §17C-5-2 of this code; and

28 (4) A courthouse security officer who participates in a program authorized by this section
29 is responsible, at his or her expense, for obtaining and maintaining a suitable firearm and
30 ammunition for use when not engaged in his or her official duties.

31 (d) It is the intent of the Legislature in enacting this section during the 2019 regular session
32 of the Legislature that active courthouse security personnel meeting all the requirements of this
33 section to also meet the requirements of the federal Law-Enforcement Officers Safety Act, 18
34 U.S.C. § 926B.