

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 441

SENATORS PREZIOSO, BEACH, BLAIR, CLEMENTS,
IHLENFELD, MARONEY, SMITH, STOLLINGS, SYPOLT,
TAKUBO, JEFFRIES, TRUMP, AND WELD, *original*
sponsors

[Passed March 4, 2019; in effect 90 days from passage]

1 AN ACT to amend and reenact §18B-4-5 of the Code of West Virginia, 1931, as amended, relating
2 to campus police officers of state institutions of higher learning; and allowing governing
3 boards of state institutions of higher learning to appoint all qualified individuals to serve as
4 campus police officers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. GENERAL ADMINISTRATION.

**§18B-4-5. Campus police officers; appointment; qualifications; authority; compensation
and removal; law enforcement grants.**

1 (a) The governing boards may appoint qualified individuals to serve as campus police
2 officers upon any premises owned or leased by the State of West Virginia and under the
3 jurisdiction of the governing boards, subject to the conditions and restrictions established in this
4 section.

5 (1) A person who previously was qualified for employment as a law-enforcement officer
6 for an agency or political subdivision of any state is considered qualified for appointment as a
7 campus police officer.

8 (2) Before performing duties as a campus police officer in any county, a person shall
9 qualify as is required of county police officers by:

10 (A) Taking and filing an oath of office as required by §6-1-1 *et seq.* of this code; and

11 (B) Posting an official bond as required by §6-2-1 *et seq.* of this code.

12 (b) A campus police officer may carry a gun and any other dangerous weapon while on
13 duty if the officer fulfills the certification requirement for law-enforcement officers under §30-29-5
14 of this code or meets the requirements of subsection (a) of this section.

15 (c) It is the duty of a campus police officer to preserve law and order:

16 (1) On the premises under the jurisdiction of the governing board; and

17 (2) On any street, road, or thoroughfare, except controlled access and open country
18 highways, immediately adjacent to or passing through premises, to which the officer is assigned
19 by the president of the institution.

20 (A) For the purpose of this subdivision, the campus police officer is a law-enforcement
21 officer pursuant to the provisions of §30-29-1 *et seq.* of this code;

22 (B) The officer has and may exercise all the powers and authority of a law-enforcement
23 officer as to offenses committed within the area assigned;

24 (C) The officer is subject to all the requirements and responsibilities of a law-enforcement
25 officer;

26 (D) Authority assigned pursuant to this subdivision does not supersede in any way the
27 authority or duty of other law-enforcement officers to preserve law and order on such premises;

28 (E) Campus police officers may assist a local law-enforcement agency on public highways.
29 The assistance may be provided to control traffic in and around premises owned by the state
30 when:

31 (i) Traffic is generated as a result of athletic or other activities conducted or sponsored by
32 the institution; and

33 (ii) The assistance has been requested by the local law-enforcement agency; and

34 (F) Campus police officers may assist a local law-enforcement agency in any location
35 under the agency's jurisdiction at the request of the agency.

36 (d) The salary of a campus police officer is paid by the employing governing board. A state
37 institution may furnish each campus police officer with a firearm and an official uniform to be worn
38 while on duty. The institution shall furnish and require each officer while on duty to wear a shield
39 with an appropriate inscription and to carry credentials certifying the person's identity and
40 authority as a campus police officer.

41 (e) A governing board may at its pleasure revoke the authority of any campus police officer
42 and such officers serve at the will and pleasure of the governing board. The president of the state

43 institution shall report the termination of employment of a campus police officer by filing a notice
44 to that effect in the office of the clerk of each county in which the campus police officer's oath of
45 office was filed.

46 (f) Notwithstanding any other provisions of this code to the contrary, and for purposes of
47 enhancing the ability of campus police officers to perform their duties, a governing board may
48 apply for and receive any public or private grant or other financial award that is available to other
49 law-enforcement agencies in the state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, Senate Committee

.....
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker of the House of Delegates

The within this the.....
Day of, 2019.

.....
Governor