

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

### Committee Substitute

for

### Senate Bill 441

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

[Originating in the Committee on Government  
Organization; Reported on February 21, 2019]



1 A BILL 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 ~~bona fide residents of this state~~ qualified individuals  
2 to serve as campus police officers upon any premises owned or leased by the State of West  
3 Virginia and under the jurisdiction of the governing boards, subject to the conditions and  
4 restrictions established in this section.

5 (1) A person who previously was qualified for employment as a law-enforcement officer  
6 for ~~a state~~ an agency or political subdivision of ~~the~~ any state is considered ~~certified~~ qualified for  
7 appointment as a campus police officer ~~at the state institutions of higher education under the~~  
8 ~~jurisdiction of the governing boards of Marshall University and West Virginia University.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to authorize institutions of higher learning to appoint all qualified individuals to serve as campus police officers.

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