

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2032**

BY DELEGATES WILSON AND J. KELLY

[Introduced January 9, 2019; Referred  
to the Committee on Education then the Judiciary.]

1 A BILL to 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:*

**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 24 hours to the appropriate law-enforcement agencies,  
 13 as defined in §30-29-1 of this code, for further investigation.

14 (b) For the state institutions of higher education under the jurisdiction of the Governing  
 15 Board of Marshall University and for the state institution of higher education known as West  
 16 Virginia University only, the campus police shall investigate a crime within their respective  
 17 jurisdictions for up to 30 days if the county prosecuting attorney does not reassign the case to  
 18 another agency sooner.

19 (c) The information required to be made available to the public regarding the crime report

20 shall be available within 10 days of the report. The information shall include the nature of the  
21 criminal offense, the date of the offense, the general location of the offense (such as a designation  
22 of a specific building or area of the campus) and the time of day when the offense occurred.

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

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

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

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

33 (d) For purposes of this section, "crime" is defined as those offenses required to be  
34 reported under the federal Crime Awareness and Campus Security Act of 1990, as amended.  
35 "Crime" includes murder, rape, robbery, aggravated assault, burglary, motor vehicle theft and  
36 arrests for liquor, drug or weapons laws violations: Provided, That it is not unlawful for individuals  
37 who have been issued state licenses to carry concealed deadly weapons pursuant to §61-7-4 of  
38 this code to carry such a weapon on the campus of a state institution of higher education.

39 (e) The Council and Commission shall provide crime reporting forms to institutions under  
40 their respective jurisdictions and promulgate a rule pursuant to ~~the provisions of §29A-3-1 et seq.~~  
41 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.