

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2645

BY DELEGATES R. THOMPSON AND HICKS

[Introduced January 24, 2019; Referred
to the Committee on Industry and Labor then the
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated as §62-10-9a, relating to power of security guards to arrest individuals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. PREVENTION OF CRIME.

§62-10-9a. Power and authority of security guards regarding arrests.

1 (a) A licensed security guard employed to provide service to a business, is hereby
 2 authorized and empowered to make arrests on the property which the guard is employed to
 3 protect, without warrant, for violations of any of the criminal laws of the United States, or of this
 4 state, when the violation is committed or is in the process of being committed in the presence of
 5 the security guard.

6 (b) In carrying out an arrest, the guard shall promptly:

7 (1) Advise the arrested person that he or she is under arrest, the reason for the arrest,
 8 and the guard’s authority for the arrest; and

9 (2) Call appropriate law-enforcement to take charge of the person arrested.

NOTE: The purpose of this bill is to provide arrest authority for security guards on the property the guard is employed to protect.

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