

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3069

BY DELEGATES HANSHAW (MR. SPEAKER) AND JENNINGS

[Introduced March 11, 2021; Referred
to the Committee on Veterans' Affairs and Homeland
Security then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §15-10-7, relating to cooperation between law-enforcement personnel and
 3 military authorities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-7. Cooperation with Military Authorities.

1 The head of any law-enforcement agency, or the head of any campus police, as those
 2 terms are defined in §15-10-3 of this code, will temporarily provide assistance, cooperation, and
 3 information to the National Guard of this state or of another state for any actions taken for the
 4 primary purpose of assisting the National Guard in investigatory matters related to National Guard
 5 personnel regardless of incidental benefits to civil authorities: *Provided*, That no National Guard
 6 request shall be used to circumvent the restrictions and limitations set forth in the Posse
 7 Comitatus Act, § 18 U.S.C. 1385. Actions under this provision may include:

8 (1) Investigations and other actions related to enforcement of the Uniform State Code of
 9 Military Justice, West Virginia Code, Chapter 15, Section 1E or the state code of military justice
 10 of the National Guard of another state or territory.

11 (2) Investigations and other actions involving National Guard personnel, regardless of
 12 whether there is a related civil or criminal proceeding.

13 (3) Investigations and other actions related to reports of sexual assault or sexual
 14 harassment involving National Guard personnel, to include any cases of reprisal or retaliation.

15 (4) Investigations and other actions related to a commander’s inherent authority to
 16 maintain law and order on a National Guard installation or facility.

17 (5) Protection of classified defense information or equipment or controlled unclassified
 18 information.

19 (6) Protection of National Guard, equipment, and official guests.

NOTE: The purpose of this bill is to enhance cooperation between civilian law enforcement and military authorities.

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