

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 434

BY SENATORS WOELFEL, STOLLINGS, CAPUTO, GRADY,

AND LINDSAY

[Originating in the Committee on the Judiciary;

reported on March 2, 2021]

1 A BILL to amend and reenact §30-29-3 of the Code of West Virginia, 1931, as amended, relating
2 to law-enforcement training for investigating sexual assault cases involving adult victims;
3 requiring the Law-Enforcement Professional Standards Subcommittee of the Governor's
4 Committee on Crime, Delinquency, and Correction to develop standards and procedures
5 for law-enforcement officers responsible for investigating sexual assault cases involving
6 adult victims; and setting forth required components of training.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-3. Duties of the subcommittee.

1 (a) The subcommittee shall, by or pursuant to rules proposed for legislative approval in
2 accordance with §29A-3-1 *et seq.* of this code:

3 (1) Provide funding for the establishment and support of law-enforcement training
4 academies in the state;

5 (2) Establish standards governing the establishment and operation of the law-enforcement
6 training academies, including regional locations throughout the state, in order to provide access
7 to each law-enforcement agency in the state in accordance with available funds;

8 (3) Establish minimum law-enforcement instructor qualifications;

9 (4) Certify qualified law-enforcement instructors;

10 (5) Maintain a list of approved law-enforcement instructors;

11 (6) Promulgate standards governing the training, firearms qualification, and initial and
12 ongoing professional certification of law-enforcement officers and the entry-level, law-
13 enforcement training curricula. These standards shall require satisfactory completion of a
14 minimum of 800 classroom hours as promulgated by legislative rule and shall provide that the
15 required classroom hours shall be accumulated on the basis of a full-time curricula;

16 (7) Establish standards governing in-service, law-enforcement officer training curricula
17 and in-service supervisory level training curricula;

18 (8) Certify organized criminal enterprise investigation techniques with a qualified anti-racial
19 profiling training course or module;

20 (9) Establish standards governing mandatory training to effectively investigate organized
21 criminal enterprises as defined in §61-13-1 *et seq.* of this code while preventing racial profiling,
22 as defined in §30-29-10 of this code, for entry-level training curricula and for law-enforcement
23 officers who have not received such training as certified by the subcommittee as required in this
24 section;

25 (10) Establish procedures for implementation of a course in investigation of organized
26 criminal enterprises which includes an anti-racial training module to be available on the Internet
27 or otherwise to all law-enforcement officers. The procedures shall include the frequency with
28 which a law-enforcement officer shall receive training in investigation of organized criminal
29 enterprises and anti-racial profiling and a time frame for which all law-enforcement officers must
30 receive such training: *Provided*, That all law-enforcement officers in this state shall receive such
31 training no later than July 1, 2012. In order to implement and carry out the intent of this section,
32 the subcommittee may promulgate emergency rules pursuant to §29A-3-15 of this code;

33 (11) Certify or decertify or reactivate law-enforcement officers, as provided in §30-29-5
34 and §30-29-11 of this code;

35 (12) Establish standards and procedures for the reporting of complaints and certain
36 disciplinary matters concerning law-enforcement officers and for reviewing the certification of law-
37 enforcement officers. These standards and procedures shall provide for preservation of records
38 and access to records by law-enforcement agencies and conditions as to how the information in
39 those records is to be used regarding an officer's law-enforcement employment by another law-
40 enforcement agency:

41 (A) The subcommittee shall establish and manage a database that is available to all law-
42 enforcement agencies in the state concerning the status of any person's certification.

43 (B) Personnel or personal information not resulting in a criminal conviction is exempt from
44 disclosure pursuant to the provisions of chapter 29B of this code;

45 (13) Seek supplemental funding for law-enforcement training academies from sources
46 other than the fees collected pursuant to §30-29-4 of this code;

47 (14) Any responsibilities and duties as the Legislature may, from time to time, see fit to
48 direct to the subcommittee; ~~and~~

49 (15) Establish standards and procedures for initial and ongoing training for law-
50 enforcement officers responsible for investigating sexual assault cases involving adult victims.

51 This training shall include instruction on:

52 (A) The neurobiology of trauma;

53 (B) Trauma-informed interviewing; and

54 (C) Investigative techniques;

55 ~~(15)~~ (16) Submit, on or before September 30 of each year, to the Governor, the Speaker
56 of the House of Delegates, the President of the Senate, and, upon request, to any individual
57 member of the Legislature, a report on its activities during the previous year, and an accounting
58 of funds paid into and disbursed from the special revenue account established pursuant to §30-
59 29-4 of this code;

60 ~~(16)~~ (17) Develop and promulgate rules for state, county, and municipal law-enforcement
61 officers, law-enforcement agencies, and communications and emergency operations centers that
62 dispatch law-enforcement officers with regard to the identification, investigation, reporting, and
63 prosecution of suspected child abuse and neglect: *Provided*, That such rules and procedures
64 must be consistent with the priority criteria prescribed by generally applicable department
65 procedures; and

66 ~~(17)~~ (18) Make recommendations to the Governor's Committee on Crime, Delinquency,
67 and Correction for legislation related to the subcommittee's duties and responsibilities, or for

68 research or studies by the Division of Administrative Services on topics related to the
69 subcommittee's duties and responsibilities.

70 (b) In addition to the duties authorized and established by this section, the subcommittee
71 may:

72 (1) Establish training to effectively investigate human trafficking offenses as defined in
73 §61-2-1 *et seq.* of this code for entry-level training curricula and for law-enforcement officers who
74 have not received such training as certified by the committee as required by this section; and

75 (2) Establish procedures for the implementation of a course in investigation of human
76 trafficking offenses. The course may include methods of identifying and investigating human
77 trafficking and methods for assisting trafficking victims. In order to implement and carry out the
78 intent of this subdivision, the committee may promulgate emergency rules pursuant to §29A-3-15
79 of this code.

80 (c) Notwithstanding any provision of this code to the contrary, the subcommittee may deny
81 an application for the establishment of a new law-enforcement training academy if it is determined
82 by the subcommittee that no actual need exists for the establishment of additional law-
83 enforcement training academies to meet the needs of existing law-enforcement agencies in the
84 state.