

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2948

FISCAL
NOTE

BY DELEGATES LOVEJOY, BROWN, WILLIAMS, WORRELL,

AND HORNBUCKLE

[Introduced March 05, 2021; Referred to the
Committee on Veterans' Affairs and Homeland
Security then Finance]

1 A BILL to amend and reenact §15-2-10 of the Code of West Virginia, 1931, as amended, relating
2 to requiring the Superintendent of State Police to furnish at State Police expense medical
3 and hospital services for treatment of illness or injury of a member incurred by the member
4 while engaged in the performance of duty and from causes beyond control of the
5 members.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-10. Uniforms; authorized equipment, weapons, and supplies; local headquarters; quarters for members; life insurance; medical and hospital fees for injuries and illnesses of members incurred in line of duty.

1 (a) The standard uniform to be used by the West Virginia State Police after the effective
2 date of this article shall be as follows: Forestry green blouse with West Virginia State Police
3 emblem on sleeve; black shoulder strap one-inch black stripe around sleeve, four inches from
4 end of sleeve; forestry green breeches with one-inch black stripe down the side; trousers (slacks)
5 with one-inch black stripe down the side for officers and clerks regularly enlisted in the State
6 Police; forestry green shirts with West Virginia State Police emblem on sleeve; black shoulder
7 straps; forestry green mackinaw with West Virginia State Police emblem on sleeve; black shoulder
8 straps; one-inch black stripe around sleeve four inches from end of sleeve; campaign hat of olive
9 drab color; black Sam Browne belt with holster; black leggings and shoes; the officer's uniform
10 will have one and one-quarter inch black stripe around the sleeve of blouse and mackinaw four
11 inches from end of sleeve circumposed with one-half inch gold braid, also black collars on blouse,
12 with two silver shoulder bars for captains, one silver shoulder bar for first lieutenant, one gold
13 shoulder bar for second lieutenant. For noncommissioned officers the uniform blouse and shirt
14 will have thereon black chevrons of the appropriate rank.

15 (b) The superintendent shall establish the weapons and enforcement equipment which
16 are authorized for use by members of the State Police and shall provide for periodic inspection of

17 the weapons and equipment. He or she shall provide for the discipline of members using other
18 than authorized weapons and enforcement equipment.

19 (c) The superintendent shall provide the members of the State Police with suitable arms
20 and weapons and, when he or she considers it necessary, with suitably equipped automobiles,
21 motorcycles, watercraft, airplanes and other means of conveyance to be used by the West
22 Virginia State Police, the Governor and other officers and executives in the discretion of the
23 Governor, in times of flood, disaster and other emergencies, for traffic study and control, criminal
24 and safety work and in other matters of official business. He or she shall also provide the standard
25 uniforms for all members of the State Police, for officers, noncommissioned officers and troopers
26 provided for in this section. All uniforms and all arms, weapons and other property furnished the
27 members of the State Police by the State of West Virginia are and remain the property of the
28 state.

29 (d) The superintendent may purchase and maintain on behalf of members group life
30 insurance not to exceed the amount of \$5,000 on behalf of each member.

31 (e) The superintendent ~~may~~ shall contract and furnish at State Police expense medical
32 and hospital services for treatment of illness or injury of a member which shall be determined by
33 the superintendent to have been incurred by the member while engaged in the performance of
34 duty and from causes beyond control of the members. Notwithstanding any other provision of this
35 code, the superintendent has the right of subrogation in any civil action or settlement brought by
36 or on behalf of a member in relation to any act by another which results in the illness, injury, or
37 death of a member. To this end, the superintendent may initiate an action on behalf of the State
38 Police in order to recover the costs incurred in providing medical and hospital services for the
39 treatment of a member resulting from injury or illness originating in the performance of official
40 duties. This subsection shall not affect the power of a court to apply ordinary equitable defenses
41 to the right of subrogation.

42 The superintendent may also consult with the West Virginia Insurance Commissioner in

43 an effort to defray the cost of medical and hospital services. In no case will the compensation
44 rendered to health care providers for medical and hospital services exceed the then current rate
45 schedule in use by the West Virginia Insurance Commissioner.

46 Third-party reimbursements received by the superintendent after the expiration of the
47 fiscal year in which the injury, illness or death occurred will be deposited to a nonexpiring special
48 revenue account. Funds deposited to this account may be used solely for defraying the costs of
49 medical or hospital services rendered to any sworn members as a direct result of an illness, injury
50 or death resulting from the performance of official duties.

51 (f) The superintendent shall establish and maintain local headquarters at those places in
52 West Virginia that are in his or her judgment suitable and proper to render the West Virginia State
53 Police most efficient for the purpose of preserving the peace, protecting property, preventing
54 crime, apprehending criminals, and carrying into effect all other provisions of this article. The
55 superintendent shall provide, by acquisition, lease or otherwise, for local headquarters, for
56 housing and quarters for the accommodation of the members of the West Virginia State Police,
57 and for any other facilities necessary or useful for the effective operation of the West Virginia
58 State Police and shall provide all equipment and supplies necessary for the members of the West
59 Virginia State Police to perform their duties.

NOTE: The purpose of this bill is to require the Superintendent of State Police to furnish at State Police expense medical and hospital services for treatment of illness or injury of a member incurred by the member while engaged in the performance of duty and from causes beyond control of the members.

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