

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4804**

By Delegates Kump, Ridenour, Petitto, Kimble,

Marple, Thorne and Chiarelli

[Introduced January 6, 2024; Referred

to the Committee on Pensions and Retirement then

Finance]

1 A BILL to amend and reenact §15A-3-10 of the Code of West Virginia, 1931, as amended, all  
 2 relating to authorizing retirement of correctional classified employees with full benefits  
 3 under the West Virginia Deputy Sheriffs Retirement System which shall propose rules for  
 4 legislative approval designed to implement the retirement of correctional officers.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. DIVISION OF CORRECTIONS AND REHABILITATION.**

**§15A-3-10. Law-enforcement powers of employees; authority to carry firearms.**

1 (a) Other than as outlined in this section, a correctional officer employed by the division is  
 2 not a law-enforcement officer as that term is defined in §30-29-1 of this code.

3 (b) The commissioner is a law-enforcement official, and has the authority to use, and  
 4 permit and allow or disallow his or her designated employees to use, publicly provided carriage to  
 5 travel from their residences to their workplace and return: *Provided*, That the usage is subject to  
 6 the supervision of the commissioner and is directly connected with and required by the nature and  
 7 in the performance of the official's or designated employee's duties and responsibilities.

8 (c) All employees of the division are responsible for enforcing rules and laws necessary for  
 9 the control and management of correctional units and the maintenance of public safety that is  
 10 within the scope of responsibilities of the division.

11 (d) Persons employed by the Division of Corrections and Rehabilitation as correctional  
 12 officers are authorized and empowered to make arrests of persons already charged with a  
 13 violation of law who surrender themselves to the correctional officer, to arrest persons already in  
 14 the custody of the division for violations of law occurring in the officer's presence, to detain persons  
 15 for violations of state law committed on the property of any facility under the jurisdiction of the  
 16 commissioner, and to conduct investigations, pursue, and apprehend escapees from the custody  
 17 of a facility of the division.

18 (e) The commissioner may designate correctional employees as correctional peace  
 19 officers who have the authority:

20 (1) To detain persons for violations of state law committed on the property of any state  
21 correctional institution;

22 (2) To conduct investigations regarding criminal activity occurring within a correctional  
23 facility;

24 (3) To execute criminal process or other process in furtherance of these duties; and

25 (4) To apply for, obtain, and execute search warrants necessary for the completion of his or  
26 her duties and responsibilities.

27 (f) The Corrections Special Operations Team is continued and consists of the Corrections  
28 Emergency Response Team, the K9 unit, and the Crisis Negotiations team created under the  
29 former Division of Corrections. The Corrections Special Operations Team serves as the first  
30 responder necessary for the protection of life, liberty, and property. It has limited law-enforcement  
31 authority regarding matters occurring at jails, correctional centers, and juvenile centers, and arrest  
32 powers to apprehend escapees, absconders, and in all matters arising on the grounds of a facility  
33 under the care and control of the commissioner: *Provided*, That at any time the Corrections  
34 Special Operations Team is apprehending an escapee or an absconder outside the confinement  
35 of the facility grounds, it does so with the assistance and cooperation of local law enforcement or  
36 the West Virginia State Police.

37 (g) Notwithstanding any provision of this code to the contrary, the commissioner may issue  
38 a certificate authorizing any correctional employee who has successfully completed the division's  
39 training program for firearms certification to carry a firearm in the performance of his or her official  
40 duties. The training program shall be approved by the commissioner and be equivalent to the  
41 training requirements applicable to deputy sheriffs for the use and handling of firearms. Any  
42 correctional employee authorized to do so by the commissioner may carry division-issued firearms  
43 while in the performance of his or her official duties, which shall include travel to and from work  
44 sites. To maintain certification, a correctional employee must successfully complete an annual

45 firearms qualification course equivalent to that required of certified law-enforcement officers as  
46 established by the law enforcement professional standards program. The certificate shall be on a  
47 form prescribed by the commissioner and shall bear his or her official signature.

48 (h) Notwithstanding any provision of this code to the contrary, correctional classified  
49 employees may retire after 20 years of honorable and actual service, with full benefits under the  
50 provisions of §7-14D-1 et seq. of this code. The West Virginia Deputy Sheriffs Retirement System  
51 shall propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code  
52 designed to implement the retirement of correctional officers provided in this section.

NOTE: The purpose of this bill is to authorize retirement of correctional classified employees with full benefits under the West Virginia Deputy Sheriffs Retirement System.

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