

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5645

By Delegate Brooks

[Introduced February 13, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §15-10-5 of the Code of West Virginia, 1931, as amended, relating to
 2 granting additional local and state law enforcement privileges to commissioned law
 3 enforcement officers of the National Park Service.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. COOPERATION BETWEEN LAW-ENFORCEMENT AGENCIES.

§15-10-5. Federal officers' peace-keeping authority.

1 (a) Notwithstanding any provision of this code to the contrary, any person who is employed
 2 by the United States government as a federal law-enforcement officer and is listed in subsection
 3 (b) of this section, has the same authority to enforce the laws of this state, except state or local
 4 traffic laws or parking ordinances, as that authority granted to state or local law-enforcement
 5 officers, if one or more of the following circumstances exist:

6 (1) The federal law-enforcement officer is requested to provide temporary assistance by
 7 the head of a state or local law-enforcement agency or the designee of the head of the agency and
 8 that request is within the state or local law-enforcement agency's scope of authority and
 9 jurisdiction and is in writing: *Provided*, That the request does not need to be in writing if an
 10 emergency situation exists involving the imminent risk of loss of life or serious bodily injury;

11 (2) The federal law-enforcement officer is requested by a state or local law-enforcement
 12 officer to provide the officer temporary assistance when the state or local law-enforcement officer
 13 is acting within the scope of the officer's authority and jurisdiction and where exigent
 14 circumstances exist; or

15 (3) A felony is committed in the federal law-enforcement officer's presence or under
 16 circumstances indicating a felony has just occurred.

17 (b) This section applies to the following persons who are employed as full-time federal law-
 18 enforcement officers by the United States government and who are authorized to carry firearms
 19 while performing their duties:

20 (1) Federal Bureau of Investigation special agents;

- 21 (2) Drug Enforcement Administration special agents;
- 22 (3) United States Marshal's Service marshals and deputy marshals;
- 23 (4) United States postal service inspectors;
- 24 (5) Internal revenue service special agents;
- 25 (6) United States secret service special agents;
- 26 (7) Bureau of alcohol, tobacco, and firearms special agents;
- 27 (8) Police officers employed at the Federal Bureau of Investigation's criminal justice
- 28 information services division facility located within this state;
- 29 (9) Law enforcement commissioned rangers of the National Park Service;
- 30 (10) Department of Veterans Affairs Police and Department of Veterans Affairs special
- 31 investigators;
- 32 (11) Office of Inspector General special agents; and
- 33 (12) Federal Air Marshals with the Federal Air Marshal Service.
- 34 (c) Any person acting under the authority granted pursuant to this section:
- 35 (1) Has the same authority and is subject to the same exemptions and exceptions to this
- 36 code as a state or local law-enforcement officer;
- 37 (2) Is not an officer, employee, or agent of any state or local law-enforcement agency;
- 38 (3) May not initiate or conduct an independent investigation into an alleged violation of any
- 39 provision of this code except to the extent necessary to preserve evidence or testimony at risk of
- 40 loss immediately following an occurrence described in subdivision (3), subsection (a) of this
- 41 section;
- 42 (4) Is subject to 28 U.S.C. § 1346, the Federal Tort Claims Act; and
- 43 (5) Has the same immunities from liability as a state or local law-enforcement officer.
- 44 (d) A commissioned law enforcement officer of the National Park Service has the powers of
- 45 arrest, search, and seize as to any offenses under the laws of this state committed in a national
- 46 park or national recreation area. In this subsection, "national park or national recreation area"

- 47 means a national park or national recreation area included in the National Park System as defined
48 by 54 U.S.C. Section 100102.

NOTE: The purpose of this bill is to grant additional local and state law enforcement privileges to commissioned law enforcement officers of the National Park Service.

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