

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 773

By Senators Woodrum and Deeds

[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 expanding the powers of law-enforcement officers of the National Park Service, which
3 shall include traffic or parking related offenses.

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. A commissioned
30 law enforcement officer of the National Park Service is not a peace officer under the laws of this
31 state, but has powers of arrest, search, and seizure as to any offense under the laws of this state
32 committed in a national park or national recreation area. In this section, "national park or national
33 recreation area" means a national park or national recreation area included in the National Park
34 System. This authority shall also extend to traffic or parking related offenses if committed in a
35 national park or national recreation area;
- 36 (10) Department of Veterans Affairs Police and Department of Veterans Affairs special
37 investigators;
- 38 (11) Office of Inspector General special agents; and
- 39 (12) Federal Air Marshals with the Federal Air Marshal Service.
- 40 (c) Any person acting under the authority granted pursuant to this section:
- 41 (1) Has the same authority and is subject to the same exemptions and exceptions to this
42 code as a state or local law-enforcement officer;
- 43 (2) Is not an officer, employee, or agent of any state or local law-enforcement agency;
- 44 (3) May not initiate or conduct an independent investigation into an alleged violation of any
45 provision of this code except to the extent necessary to preserve evidence or testimony at risk of
46 loss immediately following an occurrence described in subdivision (3), subsection (a) of this

47 section;

48 (4) Is subject to 28 U.S.C. § 1346, the Federal Tort Claims Act; and

49 (5) Has the same immunities from liability as a state or local law-enforcement officer.

NOTE: The purpose of this bill is to expand the powers of law enforcement officers of the National Park Service, which shall include traffic or parking related offenses.

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