

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5122**

By Delegates Hillenbrand, Ward, Adkins, Petitto,  
Brooks, Gearheart, Ridenour, Fast, Fehrenbacher,  
Foggin, and Heckert

[Introduced January 25, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §7-14-8 of the Code of West Virginia, 1931, as amended, relating to  
2 civil service for deputy sheriffs; form of application; and age requirements.

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

**ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.**

**§7-14-8. Form of application; age requirements; exceptions.**

1 The civil service commission in each such county shall require persons applying for  
2 admission to any competitive examination provided for under this article or under the rules and  
3 regulations of the commission to file in its office, within a reasonable time prior to the proposed  
4 competitive examination, a formal application in which the applicant shall state under oath or  
5 affirmation the applicant's:

- 6 (1) ~~His or her full~~ Full name, residence and post-office address;
- 7 (2) ~~His or her~~ United States citizenship, age and the place and date of ~~his or her~~ birth;
- 8 (3) ~~His or her health~~ Health and ~~his or her~~ physical capacity for the position of deputy  
9 sheriff;
- 10 (4) ~~His or her business~~ Business, employments and residences for at least three previous  
11 years; and
- 12 (5) Such other information as may reasonably be required, relative to the applicant's  
13 qualifications and fitness for the position of deputy sheriff.

14 Blank forms for such applications shall be furnished by the commission, without charge, to  
15 all persons requesting the same. The commission may require, in connection with the application,  
16 such certificates of citizens, physicians or others, having pertinent knowledge concerning the  
17 applicant, as the good of the service may require.

18 No application for original appointment shall be received on and after the effective date of  
19 this article, if the person applying is less than 18 years of age ~~or more than forty-five years of age~~ at  
20 the date of ~~his or her~~ application. ~~:-Provided, That in the event any~~ Any applicant who formerly  
21 served as a deputy sheriff for a period of more than six months in the county to which the ~~he or she~~

22 application is made, and resigned ~~as a deputy sheriff~~ at a time when there were no charges of  
23 misconduct or other misfeasance pending against ~~him or her~~ the applicant, within a period of two  
24 years next preceding the date of ~~his or her~~ the application, and ~~at the time of his or her application~~  
25 ~~resides within the county in which he or she seeks appointment by reinstatement, then such~~  
26 ~~applicant shall be~~ is eligible for appointment by reinstatement in the discretion of the sheriff,  
27 subject to applicant's right to appeal to the civil service commission an adverse action by the  
28 sheriff, even though such applicant shall be over the age of forty five years: *Provided*, That he or  
29 ~~she~~ the applicant is not 65 years of age or over. , ~~and such~~ The applicant, providing ~~his or her~~ the  
30 former term of service as a deputy sheriff so justifies, may be reappointed by reinstatement without  
31 a competitive examination, but ~~such~~ the applicant shall undergo a medical examination; and if  
32 ~~such~~ the applicant shall be is so appointed by reinstatement as aforesaid, the applicant shall be  
33 the lowest in rank in the sheriff's office next above the probationers of the office.

NOTE: The purpose of this bill is to clarify the age requirement of becoming a deputy sheriff.

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