

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5122

BY DELEGATES HILLENBRAND, WARD, ADKINS, PETITTO,

BROOKS, GEARHEART, RIDENOUR, FAST,

FEHRENBACHER, FOGGIN, AND HECKERT

[Passed March 1, 2024; in effect ninety days from
passage.]

1 AN ACT to amend and reenact §7-14-8 and §8-14-12 of the Code of West Virginia, 1931, as
2 amended, all relating to civil service for certain law enforcement officers; renumbering
3 certain subsections; removing upper age restrictions for original appointment as deputy
4 sheriff and reappointment of former deputy sheriff; clarifying requirements for
5 reappointment of former deputy sheriff; and removing upper age restrictions for original
6 appointment as municipal police officer and reappointment of former municipal police
7 officer.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

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

1 (a) The civil service commission in each 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:

6 (1) His or her 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 and his or her physical capacity for the position of deputy sheriff;

9 (4) His or her business, employments and residences for at least three previous years;

10 and

11 (5) Such other information as may reasonably be required, relative to the applicant's
12 qualifications and fitness for the position of deputy sheriff.

13 (b) Blank forms for the applications shall be furnished by the commission, without charge,
14 to all persons requesting applications. The commission may require, in connection with the

15 application, such certificates of citizens, physicians or others, having pertinent knowledge
16 concerning the applicant, as the good of the service may require.

17 (c) No application for original appointment shall be received on and after the effective date
18 of this article, if the person applying is less than eighteen years of age at the date of his or her
19 application. There shall be no other age-based restrictions on applications for original
20 appointments.

21 (d) Any applicant who formerly served as a deputy sheriff for more than six months before
22 resignation is eligible for reinstatement by appointment if:

23 (1) No charges of misconduct or other misfeasance are pending against the applicant;

24 (2) The applicant seeks reinstatement within two years of resignation as a deputy sheriff;

25 (3) The applicant resides in the same county as the original appointment; and

26 (4) The applicant completes a medical and psychological examination to certify the
27 applicant can perform the duties of a deputy sheriff.

28 The commission may reinstate the applicant without a competitive examination in the
29 commission's discretion.

30 (e) If an applicant is successfully reinstated as a deputy sheriff pursuant to subsection (d),
31 the applicant shall be the lowest in rank in the sheriff's office next above the probationers of the
32 office.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

PART V. CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

§8-14-12. Form of application; age and residency requirements; exceptions.

1 (a) The policemen's civil service commission in each Class I and Class II city shall require
2 a person applying for admission to any competitive examination provided under the civil service
3 provisions of this article or under the commission's rules to file in its office, within a reasonable
4 time prior to the proposed examination, a formal application in which the applicant shall state
5 under oath or affirmation:

6 (1) The applicant's full name, residence, and post-office address;

7 (2) The applicant's United States citizenship, age, and the place and date of the applicant's
8 birth;

9 (3) The applicant's state of health and the applicant's physical capacity for the public
10 service;

11 (4) The applicant's business and employments and residences for at least three previous
12 years; and

13 (5) Other information as may reasonably be required, touching upon the applicant's
14 qualifications and fitness for the public service.

15 (b) Applications shall be furnished by the commission, without charge. The commission
16 may require, in connection with the application, the certificates of citizens, physicians, and others,
17 having pertinent knowledge concerning the applicant, as the good of the service may require.

18 (c) Notwithstanding the provisions of §11-5-1 *et seq.* of this code, a person may not submit
19 an application for original appointment if the person is less than 18 years of age at the date of the
20 individual's application. There shall be no other age-based restrictions on applications for original
21 appointments.

22 (d) Notwithstanding the requirements established in this section, if an applicant: (1)
23 Formerly served upon the paid police department of the city to which he or she makes application,
24 for a period of more than his or her probationary period; (2) resigned from the department at a
25 time when there were no charges of misconduct or other misfeasance pending against the

26 applicant; and (3) applies for appointment by reinstatement within a period of two years from the
27 date of resignation from the paid police department to which the individual seeks appointment by
28 reinstatement, then the individual is eligible for appointment by reinstatement in the discretion of
29 the policemen's civil service commission. Age will not be a factor in appointment consideration.
30 The applicant, providing his or her former term of service so justifies, may be appointed by
31 reinstatement to the paid police department without a competitive examination, but the applicant
32 shall undergo a medical examination. The applicant shall be the lowest in rank in the department
33 next above the probationers of the department.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

.....
Governor