

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 2752**

5 (By Delegates Lawrence, Staggers, Pasdon,
6 Crosier, Williams, Doyle, Fragale and Hall)

7
8 [Passed March 12, 2011; in effect ninety days from passage.]
9

10 AN ACT to amend and reenact §8-14-12 of the Code of West Virginia,
11 1931, as amended, relating to municipal police departments;
12 increasing the maximum age for persons applying for
13 examination for original appointment to an applicable
14 municipal police civil system from thirty-five to forty years;
15 and removing an unconstitutional residency requirement.

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

17 That §8-14-12 of the Code of West Virginia, 1931, as amended,
18 be amended and reenacted to read as follows:

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

25 **§8-14-12. Form of application; age and residency requirements;**
26 **exceptions.**

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

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

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

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

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

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

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

24 (c) Notwithstanding the provisions of article five, chapter
25 eleven of this code, a person may not submit an application for
26 original appointment if the person is less than eighteen years of

1 age or more than forty years of age at the date of the individual's
2 application:

3 (d) Notwithstanding the requirements established in this
4 section, if an applicant formerly served upon the paid police
5 department of the city to which he or she makes application, for a
6 period of more than his or her probationary period, and resigned
7 from the department at a time when there were no charges of
8 misconduct or other misfeasance pending against the applicant,
9 within a period of two years next preceding the date of his or her
10 application, and at the time of his or her application resides
11 within the corporate limits of the city in which the paid police
12 department to which the individual seeks appointment by
13 reinstatement is located, then the individual shall be eligible for
14 appointment by reinstatement in the discretion of the policemen's
15 civil service commission. The applicant may be over the age of
16 forty years. The applicant, providing his or her former term of
17 service so justifies, may be appointed by reinstatement to the paid
18 police department without a competitive examination, but the
19 applicant shall undergo a medical examination. The applicant shall
20 be the lowest in rank in the department next above the probationers
21 of the department.