H. B. 2752 1 2 3 (By Delegates Lawrence, Staggers, Pasdon, Crosier, Williams, Doyle, Fragale and Hall) 4 5 [Introduced January 21, 2011; referred to the 6 7 Committee on Political Subdivisions then the Judiciary.] 8 9 10 A BILL to amend and reenact §8-14-12 of the Code of West Virginia, 11 1931, as amended, relating to municipalities; police force or 12 departments; and increasing the maximum age for persons 13 applying for appointment from thirty-five to forty years. 14 Be it enacted by the Legislature of West Virginia: That §8-14-12 of the Code of West Virginia, 1931, as amended, 15 16 be amended and reenacted to read as follows: 17 ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS, 18 AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS 19 AND POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE 20 AND PARKING LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS. 21 22 **§8-14-12**. Form of application; age and residency requirements; 23 exceptions.

The policemen's civil service commission in each Class I and 25 Class II city shall require individuals applying for admission to 26 any competitive examination provided for under the civil service

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1 provisions of this article or under the rules and regulations of 2 said commission to file in its office, within a reasonable time 3 prior to the proposed examination, a formal application in which 4 the applicant shall state under oath or affirmation:

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

7 (2) His <u>The applicant's</u> United States citizenship, age and the 8 place and date of <u>his</u> <u>the applicant's</u> birth;

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

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

13 (5) Such other information as may reasonably be required, 14 touching upon the applicant's qualifications and fitness for the 15 public service.

Blank forms for such applications shall be furnished by the rommission, without charge, to all individuals requesting the same. Recommission may require, in connection with such application, such certificates of citizens, physicians and others, having pertinent knowledge concerning the applicant, as the good of the service may require.

No <u>An</u> application for original appointment shall <u>may not</u> be 23 received if the individual applying is less than eighteen years of 24 age or more than thirty-five <u>forty</u> years of age at the date of his 25 <u>the individual's</u> application: *Provided*, That <u>in the event if</u> any

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1 applicant formerly served upon the paid police department of the 2 city to which he or she makes application, for a period of more 3 than his or her probationary period, and resigned from the 4 department at a time when there were no charges of misconduct or 5 other misfeasance pending against such the applicant, within a 6 period of two years next preceding the date of his or her 7 application, and at the time of his or her application resides 8 within the corporate limits of the city in which the paid police 9 department to which he the individual seeks appointment by 10 reinstatement is located, then such the individual shall be 11 eligible for appointment by reinstatement in the discretion of the 12 policemen's civil service commission, even though such the 13 applicant shall be is over the age of thirty-five forty years, and 14 such the applicant, providing his or her former term of service so 15 justifies, may be appointed by reinstatement to the paid police 16 department without a competitive examination, but such the 17 applicant shall undergo a medical examination; and if such that 18 individual shall be so appointed by reinstatement to the paid 19 police department, he the individual shall be the lowest in rank in 20 the department next above the probationers of the department.

21 Any applicant for original appointment must have been a 22 resident for one year, during some period of time prior to the date 23 of his <u>or her</u> application, of the city in which he <u>the applicant</u> 24 seeks to become a member of the paid police department: *Provided*, 25 That if the commission deems determines it necessary it may

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1 consider for original appointment or for reinstatement under the 2 preceding proviso of this section, applicants who are not residents 3 of the city but who have been residents of the county in which the 4 city or any portion of the territory thereof is located for a 5 period of at least one year.

NOTE: The purpose of this bill is to increase the maximum age for persons applying for appointment for the police force in a Class I or Class II city from thirty-five to forty years.

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