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Senate Bill No. 539

(By Senator Unger)

[Introduced February 17, 2011; referred to the Committee on
Government Organization.]

A BILL to amend and reenact §8-14-6 of the Code of West Virginia,
1931, as amended, relating to applying the provisions of said
code regarding reinstatement of noncivil service chiefs and
deputy chiefs to Class III and Class IV municipalities in
addition to Class I and Class II.

Be it enacted by the Legislature of West Virginia:

That §8-14-6 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS, ETC.

PART V. CIVIL SERVICE FOR CERTAIN POLICE DEPARTMENTS.

**§8-14-6. Qualifications for appointment or promotion to positions
in certain paid police departments to be ascertained by
examination; provisions exclusive as to appointments,
etc.; definitions.**

(a) All appointments and promotions to all positions in all

1 paid police departments of Class I and Class II cities shall be
2 made only according to qualifications and fitness to be ascertained
3 by examinations, which, so far as practicable, shall be
4 competitive, as hereinafter provided.

5 (b) No individual, except the chief or deputy chiefs of
6 police, if the position of deputy chief of police has been
7 previously created by the city council of that Class I or Class II
8 city, may be appointed, promoted, reinstated, removed, discharged,
9 suspended or reduced in rank or pay as a paid member of a paid
10 police department, regardless of rank or position, of any Class I
11 or Class II city in any manner or by any means other than those
12 prescribed in the following sections of this article ~~Provided, That~~
13 except that an individual appointed chief or deputy chief of police
14 who held a position as a member of a paid police department in that
15 police department before the appointment as chief or deputy chief
16 of police shall be reinstated to the officer's previous rank
17 following his or her term as chief or deputy chief of police in
18 Class I, Class II, Class III and Class IV municipalities.

19 (c) The term "member of a paid police department", whenever
20 used in the following sections of this article, means an individual
21 employed in a paid police department who is clothed with the police
22 power of the state in being authorized to carry deadly weapons,
23 make arrests, enforce traffic and other municipal ordinances, issue
24 summons for violations of traffic and other municipal ordinances,

1 and perform other duties which are within the scope of active,
2 general law enforcement.

3 (d) The term "appointing officer", as used in the following
4 sections of this article, means the Class I or Class II city
5 officer in whom the power of appointment of members of a paid
6 police department is vested by charter provision or ordinance of
7 the city.

NOTE: The purpose of this bill is to increase the cities to which chiefs and deputy chiefs of police are entitled to reinstatement to include Class III and Class IV municipalities in addition to Class I and Class II.

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