

1 **H. B. 4429**

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3 (By Delegates Lawrence and Stowers)

4 [Introduced February 6, 2012; referred to the
5 Committee on Political Subdivisions then the Judiciary.]

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10 A BILL to amend and reenact §8-10-1 of the Code of West Virginia,
11 1931, as amended, relating to police; authorizing the mayor to
12 appoint chiefs of police and deputy chiefs of police; and
13 allowing chiefs of police and deputy chiefs of police to be
14 reinstated to the rank that he or she previously held.

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

16 That §8-10-1 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.**

19 PART I. MAYOR.

20 **§8-10-1. Powers and duties of mayor.**

21 When not otherwise provided by charter provision or general
22 law, the mayor of every municipality shall be the chief executive
23 officer of such municipality, shall have the powers and authority

1 granted in this section, and shall see that the ordinances, orders,
2 bylaws, acts, resolutions, rules and regulations of the governing
3 body thereof are faithfully executed. ~~He~~ The mayor shall have
4 jurisdiction to hear and determine any and all alleged violations
5 thereof and to convict and sentence persons therefor. ~~He~~ The mayor
6 shall also, until January 1, 1977, be ex officio a justice and
7 conservator of the peace within the municipality, and shall, within
8 the same, have and exercise all of the powers, both civil and
9 criminal, and perform all duties vested by law in a justice of the
10 peace, except that ~~he~~ the mayor shall have no jurisdiction in civil
11 cases or causes of action arising without the corporate limits of
12 the municipality. ~~He~~ The mayor shall have, until January 1, 1977,
13 the same power to issue attachments in civil suits as a justice of
14 his or her county has, though the cause of action arose without the
15 corporate limits of his or her municipality, but ~~he~~ the mayor shall
16 have no power to try the same and such attachments shall be
17 returnable and be heard before some justice of his or her county.
18 Upon complaint ~~he~~ the mayor shall have authority to issue a search
19 warrant in connection with the violation of a municipal ordinance.
20 Any search warrant, warrant of arrest or other process issued by
21 ~~him~~ the mayor may be directed to the chief of police or any member
22 of the police department or force of the municipality, and the same
23 may be executed at any place within the county or counties in which
24 the municipality is located. ~~He~~ The mayor shall have control of

1 the police of the municipality shall appoint the chief of police
2 and deputy chiefs of police and may appoint special police officers
3 whenever ~~he~~ the mayor deems it necessary, except when otherwise
4 provided by law, and subject to the police civil service provisions
5 of article fourteen of this chapter if such civil service
6 provisions are applicable to ~~his~~ the mayor's municipality, except
7 that an individual appointed chief or deputy chief of police who
8 held a position as a member of a paid police department in that
9 police department before the appointment as chief or deputy chief
10 of police shall in all cases of removal, except removal for just
11 cause, be reinstated to the officer's previous rank within that
12 police department which he or she held, if any, at the time of his
13 or her appointment to the office of chief or deputy chief or which
14 he or she has attained, if any, during his or her term of service
15 as chief or deputy chief following his or her term as chief or
16 deputy chief of police. ~~and it~~ It shall be ~~his~~ the mayor's duty
17 especially to see that the peace and good order of the municipality
18 are preserved, and that persons and property therein are protected;
19 and to this end ~~he~~ the mayor may cause the arrest and detention of
20 all riotous and disorderly individuals in the municipality before
21 issuing ~~his~~ a mayor's warrant therefor. ~~He~~ The mayor shall have
22 power to issue executions for all fines, penalties and costs
23 imposed by him or her, or ~~he~~ the mayor may require the immediate
24 payment thereof, and in default of such payment, ~~he~~ the mayor may

1 commit the party in default to the jail of the county or counties
2 in which such municipality is located, or other place of
3 imprisonment within the corporate limits of such municipality, if
4 there be one, until the fine or penalty and costs shall be paid,
5 but the term of imprisonment in such case shall not exceed thirty
6 days. ~~He~~ The mayor shall, from time to time, recommend to the
7 governing body such measures as ~~he~~ the mayor may deem needful for
8 the welfare of the municipality. The expense of maintaining any
9 individual committed to a county jail by him or her, except it be
10 to answer an indictment, or, until January 1, 1977, be under the
11 provisions of sections eight and nine, article eighteen, chapter
12 fifty of this code, shall be paid by the municipality and taxed as
13 part of the costs of the proceeding.

NOTE: The purpose of this bill is to mandate that chiefs of police and deputy chiefs of police be reinstated to the officer's previous rank in the same paid police department following his or her term as chief of police or deputy chief of police.

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