

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2717**

5 (By Delegates Ashley, Skaff, Raines, Swartzmiller, Ferns,
6 Reynolds, Stowers, White, Miley and Walker)

7 [Passed April 13, 2013; in effect July 1, 2013.]
8
9

10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §7-7-14a, relating to
12 requiring that sheriffs provide ballistic resistant vests to
13 deputy sheriffs; providing standards for personal body armor;
14 requiring payment of expenses by county commission; limiting
15 the construction of provisions; and encouraging defrayment of
16 expenses.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §7-7-14a, to read as
20 follows:

21 **ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.**

22 **§7-7-14a. Personal body armor to be provided to deputy sheriffs;**
23 **standards; payment of expenses thereof by county**
24 **commission.**

25 (a) (1) The sheriff of each county shall provide an item of
26 personal body armor commonly known as a ballistic resistant vest to

1 each of his or her deputy sheriffs, subject to the following:

2 (A) Each of his or her deputy sheriffs who is so employed on
3 July 1, 2013 and who holds a valid law enforcement certification
4 issued under article twenty-nine, chapter thirty of this code on
5 that date, shall receive the vest on or within a reasonable time
6 after July 1, 2013;

7 (B) Each of his or her deputy sheriffs who is so employed on
8 July 1, 2013 and who is certifiable under the provisions of section
9 five, article twenty-nine, chapter thirty of this code on that
10 date, but who subsequently meets the requirements for certification
11 under that section, shall receive the vest on or within a reasonable
12 time after the date he or she is issued a valid law enforcement
13 certification;

14 (C) Each of his or her deputy sheriffs who is so employed on
15 a conditional basis on July 1, 2013 and who is not certified or
16 certifiable under the provisions of section five, article
17 twenty-nine, chapter thirty of this code on that date, but who
18 subsequently meets the requirements for certification under that
19 section, shall receive the vest on or within a reasonable time
20 after the date he or she is issued a valid law enforcement
21 certification;

22 (D) Each of his or her deputy sheriffs who is so employed
23 after July 1, 2013 and who holds a valid law enforcement
24 certification issued under article twenty-nine, chapter thirty of
25 this code on the date of his or her employment, shall receive the
26 vest on or within a reasonable time after July 1, 2013; or

1 (E) Each of his or her deputy sheriffs who is so employed
2 after July 1, 2013, and who is certifiable as described in
3 paragraph (B) of this subdivision on the date of employment, or who
4 is not certified or certifiable on the date of employment as
5 described in paragraph (C) of this subdivision on the date of
6 conditional employment, but who subsequently meets the requirements
7 for certification under section five, article twenty-nine, chapter
8 thirty of this code, shall receive the vest on or within a
9 reasonable time after the date he or she is issued a valid law
10 enforcement certification.

11 (2) (A) A ballistic resistant vest or other personal body armor
12 provided under this section or otherwise shall meet the minimum
13 performance standards for the ballistic resistance of personal body
14 armor established by Standards and Testing Program sponsored by the
15 Office of Science and Technology of the National Institute of
16 Justice (NIJ), Office of Justice Programs, U.S. Department of
17 Justice on the date the personal body armor is provided.

18 (B) Notwithstanding any other provision of this section to the
19 contrary, no body armor model determined to be unsuitable by the
20 National Institute of Justice may be provided to any deputy sheriff
21 under the provisions of this section.

22 (3) A sheriff is not required to provide a ballistic resistant
23 vest or other model of personal body armor under this section to a
24 deputy sheriff where:

25 (A) The sheriff had provided personal body armor meeting the
26 standards established by this section prior to the date upon which

1 the sheriff would otherwise be required to provide it under this
2 section; or

3 (B) The deputy sheriff owns personal body armor meeting the
4 standards established by this section on the date upon which the
5 sheriff would otherwise be required to provide personal body armor
6 under this section and elects in writing to decline acceptance
7 of the personal body armor that would be provided under this
8 section.

9 (b) The county commission of each county shall expend from the
10 general county fund, upon request and requisition by the sheriff of
11 the county, the necessary and proper expenses of providing the
12 personal body armor described in subsection (a) of this section.

13 (c) No provision of this section may be construed to prevent
14 a county commission, in its discretion, from expending such funds
15 as may be necessary and proper to provide additional ballistic
16 resistant vests, ballistic resistance jackets or other models of
17 personal body armor equipment for the use of the sheriff and his or
18 her deputies, nor to in any manner limit a sheriff from incurring
19 actual and necessary expenses in the discharge of his or her duties
20 for any purpose specified under section thirteen of this article.

21 (d) Each county commission and sheriff is encouraged to seek
22 available federal and other lawful funds or assistance to defray
23 the expenses incurred under this section.