

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 2888**

5
6 (By Delegates Miley, Fragale, Manchin, Fleischauer, Longstreth
7 and Caputo)

8 [Passed April 13, 2013; in effect ninety days from passage.]

9
10 AN ACT to amend and reenact §8-14-7 of the Code of West Virginia,
11 1931, as amended, relating to policemen's civil service
12 commissions; authorizing commissioners to serve on other
13 boards and commissions.

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

15 That §8-14-7 of the Code of West Virginia, 1931, as amended,
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**
21 **OFFICERS; CIVIL SERVICE FOR CERTAIN POLICE**
22 **DEPARTMENTS.**

23 **§8-14-7. Policemen's civil service commission generally.**

24 (a) In every Class I and Class II city having a paid police
25 department, there shall be a "Policemen's Civil Service
26 Commission."

27 (b) The commission shall consist of three commissioners, as

1 follows:

2 (1) One shall be appointed by the mayor of the city;

3 (2) One shall be appointed by the local fraternal order of
4 police; and

5 (3) One shall be appointed by the local chamber of commerce,
6 or if there is none, by a local business association.

7 (c) The commissioners shall be qualified voters of the city
8 for which they are appointed.

9 (1) At least two of the commissioners shall be individuals in
10 full sympathy with the purposes of the civil service provisions of
11 this article.

12 (2) Not more than two of the commissioners, at any one time,
13 may be registered to vote as members of the same political party.

14 (d) In the event there is no local chamber of commerce or
15 local business association at the time any appointment is to be
16 made by it, the appointment shall be made by the other two
17 commissioners by mutual agreement.

18 (e) Members shall serve terms of four years, staggered in
19 accordance with prior enactments of this section.

20 (f) (1) If any commissioner of the civil service commission
21 ceases to be a member of the commission by virtue of death, final
22 removal or other cause, a new commissioner shall be appointed to
23 fill the unexpired term of the commissioner within ten days after
24 the excommissioner has ceased to be a member of the commission.

25 (2) The appointment shall be made by the officer or body who
26 in the first instance appointed the commissioner who is no longer
27 a member of the commission, except that in the case of a vacancy in

1 an appointment made by the Governor, which vacancy occurs after the
2 effective date of this article, the appointment for the unexpired
3 term shall be made by the mayor.

4 (g) Each year the three members of the commission shall,
5 together, elect one of their number to act as president of the
6 commission, who serves as president for one year.

7 (h) The mayor may, at any time, remove any commissioner or
8 commissioners for good cause, which shall be stated in writing and
9 made a part of the records of the commission.

10 (1) Once the mayor has removed any commissioner, the mayor
11 shall within ten days file in the office of the clerk of the
12 circuit court of the county in which the city or the major portion
13 of the territory of the city is located a petition setting forth in
14 full the reason for the removal and praying for the confirmation by
15 the circuit court of the action of the mayor in so removing the
16 commissioner.

17 (2) A copy of the petition shall be served upon the
18 commissioner removed simultaneously with its filing in the office
19 of the clerk of the circuit court and has precedence on the docket
20 of the court and shall be heard by the court as soon as practicable
21 upon the request of the removed commissioner or commissioners.

22 (i) (1) All rights vested in the circuit court by this section
23 may be exercised by the judge thereof in vacation.

24 (2) If no term of the circuit court is being held at the time
25 of the filing of the petition, and the judge cannot be reached in
26 the county in which the petition was filed, the petition shall be
27 heard at the next succeeding term of the circuit court, whether

1 regular or special, and the commissioner or commissioners removed
2 remains removed until a hearing is had upon the petition of the
3 mayor.

4 (3) The court or the judge thereof in vacation shall hear and
5 decide the issues presented by the petition.

6 (j) (1) The mayor or commissioner or commissioners, as the
7 case may be, against whom the decision of the court or the judge
8 thereof in vacation is rendered, has the right to petition the
9 Supreme Court of Appeals for a review of the decision of the
10 circuit court or the judge thereof in vacation as in other civil
11 cases.

12 (2) If the mayor fails to file a petition in the office of the
13 clerk of the circuit court within ten days after the removal of the
14 commissioner or commissioners, the commissioner or commissioners
15 shall immediately resume his or her or their position or positions
16 as a member or members of the policemen's civil service commission.

17 (k) Any resident of the city has the right at any time to file
18 charges against and seek the removal of any member of the
19 policemen's civil service commission of the city.

20 (1) The charges shall be filed in the form of a petition in
21 the office of the clerk of the circuit court of the county in which
22 the city or the major portion of the territory of the city is
23 located, and a copy of the petition shall be served upon the
24 commissioner or commissioners sought to be removed.

25 (2) The petition shall be matured for hearing and heard by the
26 circuit court or the judge thereof in vacation in the same manner
27 as civil proceedings in the circuit courts of this state are heard,

1 and the party against whom the circuit court's decision is rendered
2 has the right to petition the Supreme Court of Appeals for a review
3 of the action of the circuit court, as in other civil cases.

4 (1) A commissioner may not hold another office under the
5 United States, this state, or any municipality, county or other
6 political subdivision thereof, nor may a commissioner serve on a
7 political committee or take an active part in the management of a
8 political campaign, except that a commissioner may serve as a
9 notary public or on another local, regional or state board or
10 commission in a part-time capacity.