

H. B. 2774

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(By Delegates Howell, (By Request), Evans, A., Rowan, Shott, Frich, Hamrick, Cooper, Arvon, Raines, Armstead and Pasdon

[Introduced March 1, 2013; referred to the Committee on the Judiciary.]

A BILL to amend and reenact §8-5-9 of the Code of West Virginia, 1931, as amended, relating to the effects of a criminal conviction and incarceration on a municipal officer; immediate removal and, if a felony, inability to hold public office again.

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

That §8-5-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. ELECTION, APPOINTMENT, QUALIFICATION AND COMPENSATION OF OFFICERS; GENERAL PROVISIONS RELATING TO OFFICERS AND EMPLOYEES; ELECTIONS AND PETITIONS GENERALLY; CONFLICT OF INTEREST.**

**§8-5-9. Terms of office; removal from office.**

(a) Except as otherwise provided in the charter of ~~any~~ a municipality, the terms of all officers elected after the first

1 election in municipalities holding biennial elections ~~shall~~  
2 commence on July 1 following their election and ~~shall be~~ is for two  
3 years. ~~and~~ In municipalities holding quadrennial elections, the  
4 terms of all elected officers ~~shall~~ commence on July 1 following  
5 their election and ~~shall be~~ is for four years.

6 (b) All municipal officers, whether elected at the first  
7 election of officers or at regular municipal elections, or  
8 appointed, ~~shall~~ hold their offices until their successors are  
9 elected or appointed and qualified according to law, unless sooner  
10 removed from office according to law. ~~Officers in office when this~~  
11 ~~article becomes effective shall hold their offices subject to the~~  
12 ~~provisions of the immediately preceding sentence hereof.~~

13 (c) Notwithstanding any other provision of this code or law to  
14 the contrary, a municipal officer who is convicted of a crime and  
15 is incarcerated automatically loses his or her position as a  
16 municipal officer. If the crime is a felony, the municipal officer  
17 may not, again, hold a public office.

NOTE: The purpose of this bill is to authorize the immediate removal from office a municipal officer convicted of a crime and incarcerated and, if the crime is a felony, to render the municipal officer unable to hold a public office again.

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