

1 **H. B. 2890**

2
3 (By Delegates D. Poling, Guthrie, Ellem, Paxton, Poore,
4 Diserio, Ferns, Skaff, Border, Eldridge and Barill)

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6 [Introduced March 11, 2013; referred to the
7 Committee on the Judiciary then Finance.]

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10 A BILL to amend and reenact §8-15-26 of the Code of West Virginia,
11 1931, as amended, relating to violating provisions of the
12 civil service law for paid fire departments; and increasing
13 criminal penalties.

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

15 That §8-15-26 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS; CIVIL**
18 **SERVICE FOR PAID FIRE DEPARTMENTS.**

19 **§8-15-26. Offenses and penalties.**

20 Any individual who makes an appointment or promotion to any
21 position, or selects an individual for employment contrary to the
22 civil service provisions of this article, or ~~wilfully~~ willfully
23 refuses or neglects otherwise to comply with, or to conform to, any
24 of the civil service provisions of this article, or violates any of
25 ~~such those~~ such provisions, ~~shall be deemed~~ is guilty of a misdemeanor.

1 Any commissioner or examiner, or any other individual, who
2 ~~shall wilfully~~ willfully, by himself or herself or in cooperation
3 with one or more persons, ~~defeat, deceive or obstruct~~ defeats,
4 deceives or obstructs any individual with respect to his or her
5 right of examination or registration according to the civil service
6 provisions of this article, or to any rules and regulations
7 prescribed pursuant thereto, or who ~~shall wilfully~~ willfully or
8 corruptly, ~~falsely mark, grade, estimate, or report~~ falsely marks,
9 grades, estimates or reports upon any such examination or proper
10 standing of any individual so examined, registered or certified,
11 pursuant to the civil service provisions of this article, or ~~aid~~
12 aids in so doing, or who ~~shall wilfully~~ willfully or corruptly
13 ~~furnish~~ furnishes to any individual any special or secret
14 information, for the purpose of either improving or injuring the
15 prospects or chances of appointment or promotion to any position of
16 any individual so examined, registered or certified, or to be so
17 examined, registered or certified, or who ~~shall impersonate~~
18 impersonates any other individual, or permit or aid in any manner
19 any other individual to impersonate him or her, in connection with
20 any such examination or registration, or application or request to
21 be examined or registered, ~~shall is,~~ for each offense, ~~be deemed~~
22 guilty of a misdemeanor.

23 Any person convicted of any ~~such~~ of these misdemeanor ~~offense~~
24 offenses shall be punished by a fine of not less than ~~\$50~~ \$500, nor

1 more than ~~\$1,000~~ \$10,000 or by ~~imprisonment~~ confinement in jail
2 for a term not exceeding one year, or by both ~~such~~ fine and
3 ~~imprisonment~~ confinement, in the discretion of the court.

NOTE: The purpose of this bill is increasing criminal penalties for violating provisions of the civil service law for paid fire departments.

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