

H. B. 2964

(By Delegates Lawrence, Skauff, Caputo, Diserio,
Skinner, R. Phillips, Sponaugle and Westfall)

[Introduced March 19, 2013; referred to the
Committee on Political Subdivisions then the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.

PART I. MAYOR.

§8-10-1. Powers and duties of mayor.

When not otherwise provided by charter provision or general
law, the mayor of every municipality ~~shall be~~ is the chief
executive officer of ~~such~~ the municipality, ~~shall have~~ has the
powers and authority granted in this section, and shall see that

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

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

1 party in default to the regional jail ~~of~~ servicing the county or
2 counties in which ~~such~~ the municipality is located ~~or other place~~
3 ~~of imprisonment within the corporate limits of such municipality,~~
4 ~~if there be one,~~ until the fine or penalty and costs ~~shall be~~ are
5 paid, but the term of ~~imprisonment~~ confinement in ~~such~~ that case
6 ~~shall~~ may not exceed thirty days. ~~He~~ The mayor shall, from time to
7 time, recommend to the governing body ~~such~~ measures ~~as he~~ the mayor
8 ~~may deem~~ considers needful for the welfare of the municipality.
9 The expense of maintaining any individual committed to ~~a county~~
10 jail by him or her, ~~except it be to~~ unless it is in answer to an
11 indictment, ~~or until January 1, 1977,~~ ~~be under the provisions of~~
12 ~~sections eight and nine, article eighteen, chapter fifty of this~~
13 ~~code,~~ shall be paid by the municipality and taxed as part of the
14 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.