

COMMITTEE SUBSTITUTE

FOR

H. B. 2964

(BY DELEGATE(S) LAWRENCE, SKAFF, CAPUTO, DISERIO,
SKINNER, R. PHILLIPS, SPONAUGLE AND WESTFALL)

(Originating in the Committee on the Judiciary)

[March 29, 2013]

A BILL to amend and reenact §8-10-1 of the Code of West Virginia, 1931, as amended, relating to the powers and duties of the mayor; and allowing removed chiefs of police and removed 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.

1

PART I. MAYOR.

§8-10-1. Powers and duties of mayor.

1 When not otherwise provided by charter provision or general
2 law, the mayor of every municipality ~~shall be~~ is the chief
3 executive officer of ~~such~~ the municipality, ~~shall have~~ has the
4 powers and authority granted in this section, and shall see that
5 the ordinances, orders, bylaws, acts, resolutions, rules and
6 regulations of the governing body ~~thereof~~ of the municipality are
7 faithfully executed. ~~He shall have~~ The mayor has jurisdiction to
8 hear and determine any and all alleged violations thereof and to
9 convict and sentence persons therefor. ~~He shall also, until~~
10 ~~January 1, 1977, be ex officio a justice and conservator of the~~
11 ~~peace within the municipality, and shall, within the same, have~~
12 ~~and exercise all of the powers, both civil and criminal, and~~
13 ~~perform all duties vested by law in a justice of the peace, except~~
14 ~~that he shall have no jurisdiction in civil cases or causes of~~
15 ~~action arising without the corporate limits of the municipality.~~
16 ~~He shall have, until January 1, 1977, the same power to issue~~
17 ~~attachments in civil suits as a justice of his county has, though~~

18 ~~the cause of action arose without the corporate limits of his~~
19 ~~municipality, but he shall have no power to try the same and~~
20 ~~such attachments shall be returnable and be heard before some~~
21 ~~justice of his county. Upon complaint he shall have authority to~~
22 the mayor may issue a search warrant in connection with the
23 violation of a municipal ordinance. Any search warrant, warrant
24 of arrest or other process issued by ~~him~~ the mayor may be
25 directed to the chief of police or any member of the police
26 department or force of the municipality, and ~~the same~~ it may be
27 executed at any place within the county or counties in which the
28 municipality is located. ~~He shall have~~ The mayor has control of
29 the police of the municipality and may appoint special police
30 officers whenever ~~he deems~~ the mayor considers it necessary,
31 except when otherwise provided by law, and subject to the police
32 civil service provisions of article fourteen of this chapter if ~~such~~
33 the civil service provisions are applicable to ~~his~~ the mayor's
34 municipality, except that an individual appointed chief or deputy
35 chief of police who held a position as a member of a paid police
36 department in that police department before the appointment as
37 chief or deputy chief of police shall in all cases of removal,

38 except removal for just cause, be reinstated to the officer's
39 previous rank within that police department which he or she
40 held, if any, at the time of his or her appointment to the office of
41 chief or deputy chief or which he or she has attained, if any,
42 during his or her term of service as chief or deputy chief
43 following his or her term as chief or deputy chief of police. and
44 ~~it shall be his~~ It is the mayor's duty especially to see that the
45 peace and good order of the municipality are preserved, and that
46 persons and property therein are protected; and to this end ~~he~~ the
47 mayor may cause the arrest and detention of all riotous and
48 disorderly individuals in the municipality before issuing ~~his~~ a
49 mayor's warrant therefor. ~~He shall have~~ The mayor has power to
50 issue executions for all fines, penalties and costs imposed by him
51 or her, or he the mayor may require the immediate payment
52 thereof, and in default of ~~such~~ the payment, ~~he~~ the mayor may
53 commit the party in default to the regional jail ~~of~~ serving the
54 county or counties in which ~~such~~ the municipality is located ~~or~~
55 ~~other place of imprisonment within the corporate limits of such~~
56 ~~municipality, if there be one;~~ until the fine or penalty and costs
57 ~~shall be~~ are paid, but the term of ~~imprisonment~~ confinement in

58 ~~such~~ that case ~~shall~~ may not exceed thirty days. ~~He~~ The mayor
59 shall, from time to time, recommend to the governing body ~~such~~
60 measures ~~as he~~ the mayor ~~may deem~~ considers needful for the
61 welfare of the municipality. The expense of maintaining any
62 individual committed to ~~a county~~ jail by him or her, ~~except it be~~
63 ~~to~~ unless it is in answer to an indictment, ~~or until January 1,~~
64 ~~1977, be under the provisions of sections eight and nine, article~~
65 ~~eighteen, chapter fifty of this code,~~ shall be paid by the munic-
66 pality and taxed as part of the costs of the proceeding.

