

COMMITTEE SUBSTITUTE

FOR

H. B. 2717

(BY DELEGATES ASHLEY, SKAFF, RAINES, SWARTZMILLER, FERNS,
REYNOLDS, STOWERS, WHITE, MILEY AND WALKER)

(Originating in the Committee on Finance)

[March 21, 2013]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-14a, relating to requiring that sheriffs provide ballistic resistant vests to deputy sheriffs; providing standards for personal body armor; requiring payment of expenses by county commission; limiting the construction of provisions; and encouraging defrayment of expenses.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §7-7-14a, to read as follows:

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-14a. Personal body armor to be provided to deputy sheriffs; standards; payment of expenses thereof by county commission.

1 (a)(1) The sheriff of each county shall provide an item of
2 personal body armor commonly known as a ballistic resistant
3 vest to each of his or her deputy sheriffs, subject to the follow-
4 ing:

5 (A) On a one-time basis, each of his or her deputy sheriffs
6 who is so employed on July 1, 2013 and who holds a valid law
7 enforcement certification issued under article twenty-nine,
8 chapter thirty of this code on that date, shall receive the vest on
9 or within a reasonable time after July 1, 2013;

10 (B) On a one-time basis, each of his or her deputy sheriffs
11 who is so employed on July 1, 2013 and who is certifiable under
12 the provisions of section five, article twenty-nine, chapter thirty
13 of this code on that date, but who subsequently meets the
14 requirements for certification under that section, shall receive the
15 vest on or within a reasonable time after the date he or she is
16 issued a valid law enforcement certification;

17 (C) On a one-time basis, each of his or her deputy sheriffs
18 who is so employed on a conditional basis on July 1, 2013 and

19 who is not certified or certifiable under the provisions of section
20 five, article twenty-nine, chapter thirty of this code on that date,
21 but who subsequently meets the requirements for certification
22 under that section, shall receive the vest on or within a reason-
23 able time after the date he or she is issued a valid law enforce-
24 ment certification;

25 (D) On a one-time basis, each of his or her deputy sheriffs
26 who is so employed after July 1, 2013 and who holds a valid law
27 enforcement certification issued under article twenty-nine,
28 chapter thirty of this code on the date of his or her employment,
29 shall receive the vest on or within a reasonable time after July 1,
30 2013; or

31 (E) On a one-time basis, each of his or her deputy sheriffs
32 who is so employed after July 1, 2013, and who is certifiable as
33 described in paragraph (B) of this subdivision on the date of
34 employment, or who is not certified or certifiable on the date of
35 employment as described in paragraph (C) of this subdivision on
36 the date of conditional employment, but who subsequently meets
37 the requirements for certification under section five, article
38 twenty-nine, chapter thirty of this code, shall receive the vest on

39 or within a reasonable time after the date he or she is issued a
40 valid law enforcement certification.

41 (2)(A) A ballistic resistant vest or other personal body armor
42 provided under this section or otherwise shall meet the minimum
43 performance standards for the ballistic resistance of personal
44 body armor established by Standards and Testing Program
45 sponsored by the Office of Science and Technology of the
46 National Institute of Justice (NIJ), Office of Justice Programs,
47 U.S. Department of Justice on the date the personal body armor
48 is provided.

49 (B) Notwithstanding any other provision of this section to
50 the contrary, no body armor model determined to be unsuitable
51 by the National Institute of Justice may be provided to any
52 deputy sheriff under the provisions of this section.

53 (3) A sheriff is not required to provide a ballistic resistant
54 vest or other model of personal body armor under this section to
55 a deputy sheriff where:

56 (A) The sheriff had provided personal body armor meeting
57 the standards established by this section prior to the date upon
58 which the sheriff would otherwise be required to provide it under
59 this section; or

60 (B) The deputy sheriff owns personal body armor meeting
61 the standards established by this section on the date upon which
62 the sheriff would otherwise be required to provide personal body
63 armor under this section and and elects in writing to decline
64 acceptance of the personal body armor that would be provided
65 under this section.

66 (b) The county commission of each county shall expend
67 from the general county fund, upon request and requisition by
68 the sheriff of the county, the necessary and proper expenses of
69 providing the personal body armor described in subsection (a) of
70 this section.

71 (c) No provision of this section may be construed to prevent
72 a county commission, in its discretion, from expending such
73 funds as may be necessary and proper to provide additional
74 ballistic resistant vests, ballistic resistance jackets or other
75 models of personal body armor equipment for the use of the
76 sheriff and his or her deputies, nor to in any manner limit a
77 sheriff from incurring actual and necessary expenses in the
78 discharge of his or her duties for any purpose specified under
79 section thirteen of this article.

80 (d) Each county commission and sheriff is encouraged to
81 seek available federal and other lawful funds or assistance to
82 defray the expenses incurred under this section.

