

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 205

BY SENATORS AZINGER, BOLEY, BOSO, FERNS AND BLAIR

[Introduced February 9, 2017; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §6-3-3 of the Code of West Virginia, 1931, as amended, relating to
 2 deputy officers and providing that when there is a death, conviction or impeachment,
 3 failure to qualify, resignation or other disability of any principal officer a deputy shall
 4 continue to discharge the duties of the principal until a successor is elected or appointed;
 5 and making technical changes.

Be it enacted by the Legislature of West Virginia:

1 That §6-3-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 3. DEPUTY OFFICERS AND CONSERVATORS OF THE PEACE.

§6-3-3. On death, conviction or impeachment, failure to qualify, resignation or other disability of any officer of principal, deputy to act; liability of principal's bond; removal and appointment of deputy; new or additional bond.

1 ~~If any officer, having appointed a deputy or deputies, shall die during his or her term of~~
 2 ~~office~~ If there is the death, conviction or impeachment, failure to qualify, resignation or other
 3 disability of any officer, his or her deputy or deputies ~~in office at the time of his or her death~~ shall
 4 continue to discharge the duties of the office in the name of the ~~deceased~~ principal, until his or
 5 her successor ~~shall have~~ has been elected or appointed, and ~~shall have~~ qualified.

6 Any default or misfeasance in office of any deputy while so acting ~~shall~~ constitutes a
 7 breach of the condition of the official bond of the principal, ~~notwithstanding the death of the~~
 8 ~~principal;~~ but the personal representative of the ~~deceased~~ principal ~~shall have~~ has the same right
 9 to remove any deputy from office and to appoint another that was possessed by the principal.
 10 ~~while living~~

11 The sureties on the bond of any ~~deceased~~ principal, or any of them, may require a new or
 12 additional bond to be given by the personal representative of ~~such deceased~~ the principal, in the
 13 same manner and with like effect as if ~~such~~ the new or additional bond had been required to be
 14 given by ~~such~~ the principal ~~in his or her lifetime;~~ and all the provisions of this chapter in relation

15 to such new or additional bond shall be applicable to proceedings under this section.

NOTE: The purpose of this bill is to provide that when there is a death, conviction or impeachment, failure to qualify, resignation or other disability of any principal officer, a deputy shall continue to discharge the duties of the principal until a successor is elected or appointed. The existing statute only deals with a situation where the principal dies.

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