

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 281**

BY SENATORS WOELFEL, PLYMALE, AND PALUMBO

[Introduced January 10, 2020; referred  
to the Committee on Government Organization]



1 A BILL to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating  
2 to removing the residency requirement for persons applying for reappointment to a  
3 municipal police department.

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

**ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS,  
AUTHORITY, AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND  
POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING  
LOT OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR  
CERTAIN POLICE DEPARTMENTS.**

**§8-14-12. Form of application; age and residency requirements; exceptions.**

1 (a) The policemen's civil service commission in each Class I and Class II city shall require  
2 a person applying for admission to any competitive examination provided under the civil service  
3 provisions of this article or under the commission's rules to file in its office, within a reasonable  
4 time prior to the proposed examination, a formal application in which the applicant shall state  
5 under oath or affirmation:

6 (1) The applicant's full name, residence, and post-office address;

7 (2) The applicant's United States citizenship, age, and the place and date of the applicant's  
8 birth;

9 (3) The applicant's state of health and the applicant's physical capacity for the public  
10 service;

11 (4) The applicant's business and employments and residences for at least three previous  
12 years; and

13 (5) Other information as may reasonably be required, touching upon the applicant's  
14 qualifications and fitness for the public service.

15 (b) Applications shall be furnished by the commission, without charge. The commission  
16 may require, in connection with the application, the certificates of citizens, physicians, and others,  
17 having pertinent knowledge concerning the applicant, as the good of the service may require.

18 (c) Notwithstanding the provisions of §11-5-1 *et seq.* of this code, a person may not submit  
19 an application for original appointment if the person is less than 18 years of age or more than 40  
20 years of age at the date of the individual's application.

21 (d) Notwithstanding the requirements established in this section, if an applicant: ~~formerly~~  
22 (1) Formerly served upon the paid police department of the city to which he or she makes  
23 application, for a period of more than his or her probationary period; ~~and~~ (2) resigned from the  
24 department at a time when there were no charges of misconduct or other misfeasance pending  
25 against the applicant; and (3) applies for appointment by reinstatement within a period of two  
26 years ~~next preceding the date of his or her application, and at the time of his or her application~~  
27 ~~resides within the corporate limits of the city in which~~ from the date of resignation from the paid  
28 police department to which the individual seeks appointment by reinstatement, ~~is located~~ then the  
29 individual ~~shall be~~ is eligible for appointment by reinstatement in the discretion of the policemen's  
30 civil service commission. The applicant may be over the age of 40 years. The applicant, providing  
31 his or her former term of service so justifies, may be appointed by reinstatement to the paid police  
32 department without a competitive examination, but the applicant shall undergo a medical  
33 examination. The applicant shall be the lowest in rank in the department next above the  
34 probationers of the department.

NOTE: The purpose of this bill is to remove the residency requirement for persons applying for reappointment to a municipal police department.

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