

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2717**

4 (By Delegates Ashley, Skaff, Raines, Swartzmiller, Ferns,  
5 Reynolds, Stowers, White, Miley and Walker)

6 (Originating in the Committee on Finance)

7 [March 21, 2013]

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

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

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

21 **ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.**

22 **§7-7-14a. Personal body armor to be provided to deputy sheriffs;**  
23 **standards; payment of expenses thereof by county**  
24 **commission.**

25 (a) (1) The sheriff of each county shall provide an item of  
26 personal body armor commonly known as a ballistic resistant vest to

1 each of his or her deputy sheriffs, subject to the following:

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

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

14 (C) On a one-time basis, each of his or her deputy sheriffs  
15 who is so employed on a conditional basis on July 1, 2013 and who  
16 is not certified or certifiable under the provisions of section  
17 five, article twenty-nine, chapter thirty of this code on that  
18 date, but who subsequently meets the requirements for certification  
19 under that section, shall receive the vest on or within a  
20 reasonable time after the date he or she is issued a valid law  
21 enforcement certification;

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

1 or

2 (E) On a one-time basis, each of his or her deputy sheriffs  
3 who is so employed after July 1, 2013, and who is certifiable as  
4 described in paragraph (B) of this subdivision on the date of  
5 employment, or who is not certified or certifiable on the date of  
6 employment as described in paragraph (C) of this subdivision on the  
7 date of conditional employment, but who subsequently meets the  
8 requirements for certification under section five, article  
9 twenty-nine, chapter thirty of this code, shall receive the vest on  
10 or within a reasonable time after the date he or she is issued a  
11 valid law enforcement certification.

12 (2) (A) A ballistic resistant vest or other personal body armor  
13 provided under this section or otherwise shall meet the minimum  
14 performance standards for the ballistic resistance of personal body  
15 armor established by Standards and Testing Program sponsored by the  
16 Office of Science and Technology of the National Institute of  
17 Justice (NIJ), Office of Justice Programs, U.S. Department of  
18 Justice on the date the personal body armor is provided.

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

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

26 (A) The sheriff had provided personal body armor meeting the

1 standards established by this section prior to the date upon which  
2 the sheriff would otherwise be required to provide it under this  
3 section; or

4 (B) The deputy sheriff owns personal body armor meeting the  
5 standards established by this section on the date upon which the  
6 sheriff would otherwise be required to provide personal body armor  
7 under this section and and elects in writing to decline acceptance  
8 of the personal body armor that would be provided under this  
9 section.

10 (b) The county commission of each county shall expend from the  
11 general county fund, upon request and requisition by the sheriff of  
12 the county, the necessary and proper expenses of providing the  
13 personal body armor described in subsection (a) of this section.

14 (c) No provision of this section may be construed to prevent  
15 a county commission, in its discretion, from expending such funds  
16 as may be necessary and proper to provide additional ballistic  
17 resistant vests, ballistic resistance jackets or other models of  
18 personal body armor equipment for the use of the sheriff and his or  
19 her deputies, nor to in any manner limit a sheriff from incurring  
20 actual and necessary expenses in the discharge of his or her duties  
21 for any purpose specified under section thirteen of this article.

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