1	COMMITTEE SUBSTITUTE
2	FOR
3	н. в. 2964
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5 6	(By Delegates Lawrence, Skaff, Caputo, Diserio, Skinner, R. Phillips, Sponaugle and Westfall)
7	(Originating in the Committee on the Judiciary)
8	[March 29, 2013]
9	
10	A BILL to amend and reenact $\$8-10-1$ of the Code of West Virginia,
11	1931, as amended, relating to the powers and duties of the
12	mayor; and allowing removed chiefs of police and removed
13	deputy chiefs of police to be reinstated to the rank that he
14	or she previously held.
15	Be it enacted by the Legislature of West Virginia:
16	That $\S 8-10-1$ of the Code of West Virginia, 1931, as amended,
17	be amended and reenacted to read as follows:
18	ARTICLE 10. POWERS AND DUTIES OF CERTAIN OFFICERS.
19	PART I. MAYOR.
20	§8-10-1. Powers and duties of mayor.
21	When not otherwise provided by charter provision or general
22	law, the mayor of every municipality shall be <u>is</u> the chief
23	executive officer of such the municipality, shall have has the
24	powers and authority granted in this section, and shall see that
25	the ordinances, orders, bylaws, acts, resolutions, rules and
26	regulations of the governing body thereof of the municipality are

1 faithfully executed. He shall have The mayor has jurisdiction to 2 hear and determine any and all alleged violations thereof and to 3 convict and sentence persons therefor. He shall also, until 4 January 1, 1977, be ex officio a justice and conservator of the 5 peace within the municipality, and shall, within the same, have and 6 exercise all of the powers, both civil and criminal, and perform 7 all duties vested by law in a justice of the peace, except that he 8 shall have no jurisdiction in civil cases or causes of action 9 arising without the corporate limits of the municipality. He shall 10 have, until January 1, 1977, the same power to issue attachments in 11 civil suits as a justice of his county has, though the cause of 12 action arose without the corporate limits of his municipality, but 13 he shall have no power to try the same and such attachments shall 14 be returnable and be heard before some justice of his county. Upon 15 complaint he shall have authority to the mayor may issue a search 16 warrant in connection with the violation of a municipal ordinance. 17 Any search warrant, warrant of arrest or other process issued by 18 him the mayor may be directed to the chief of police or any member 19 of the police department or force of the municipality, and the same 20 it may be executed at any place within the county or counties in 21 which the municipality is located. He shall have The mayor has 22 control of the police of the municipality and may appoint special 23 police officers whenever he deems the mayor considers it necessary, 24 except when otherwise provided by law, and subject to the police 25 civil service provisions of article fourteen of this chapter if 26 such the civil service provisions are applicable to his the mayor's

1 municipality, except that an individual appointed chief or deputy 2 chief of police who held a position as a member of a paid police 3 department in that police department before the appointment as 4 chief or deputy chief of police shall in all cases of removal, 5 except removal for just cause, be reinstated to the officer's 6 previous rank within that police department which he or she held, 7 if any, at the time of his or her appointment to the office of 8 chief or deputy chief or which he or she has attained, if any, 9 during his or her term of service as chief or deputy chief 10 following his or her term as chief or deputy chief of police. and 11 it shall be his It is the mayor's duty especially to see that the 12 peace and good order of the municipality are preserved, and that 13 persons and property therein are protected; and to this end he the 14 mayor may cause the arrest and detention of all riotous and 15 disorderly individuals in the municipality before issuing his a 16 mayor's warrant therefor. He shall have The mayor has power to 17 issue executions for all fines, penalties and costs imposed by him 18 or her, or he the mayor may require the immediate payment thereof, 19 and in default of such the payment, he the mayor may commit the 20 party in default to the <u>regional</u> jail of <u>serving</u> the county or 21 counties in which such the municipality is located or other place 22 of imprisonment within the corporate limits of such municipality, 23 if there be one, until the fine or penalty and costs shall be are 24 paid, but the term of imprisonment confinement in such that case 25 shall may not exceed thirty days. He The mayor shall, from time to 26 time, recommend to the governing body such measures as he the mayor

- 1 may deem considers needful for the welfare of the municipality.
- 2 The expense of maintaining any individual committed to a county
- 3 jail by him or her, except it be to unless it is in answer to an
- 4 indictment, or until January 1, 1977, be under the provisions of
- 5 sections eight and nine, article eighteen, chapter fifty of this
- 6 code, shall be paid by the municipality and taxed as part of the
- 7 costs of the proceeding.