

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4368

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BY DELEGATES MARCUM, SHOTT, LANE, SOBONYA,
KESSINGER, P. WHITE, BLAIR, SUMMERS, R. SMITH,
IRELAND AND MCCUSKEY

[Introduced February 3, 2016; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §51-3-16 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing the use of bailiffs who are not law-enforcement officers.

Be it enacted by the Legislature of West Virginia:

1 That §51-3-16 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 3. COURTS IN GENERAL.

§51-3-16. Security plans; approval by court security board; awards; training.

1 (a) The sheriff of each county in conjunction with the circuit judges, magistrates and family
2 law master may develop a security plan to enhance the security of all the court facilities in use in
3 the county and submit said plan to the court security board.

4 (b) Each security plan shall include, but not be limited to:

5 (1) An assessment of the existing security measures in place and any problems or
6 shortcomings with the existing procedures;

7 (2) A description of how the county responds to court security emergencies and whether
8 the response is adequate;

9 (3) A prioritized listing of equipment or personnel, or both, needed to improve the security
10 of the court facilities in the county, including cost estimates for such equipment and personnel;

11 (4) A description of the physical locations of court facilities around the county and a
12 discussion of whether changes or consolidation of space could improve court security in the
13 county; and

14 (5) An assessment of the training needs for bailiffs currently employed in the county or for
15 additional bailiffs and the options for securing the necessary training: Provided, That with the
16 permission of the circuit judge, bailiffs may be used in that judge’s courtroom which bailiffs are
17 not law-enforcement officers but are employees of the county commission.

18 (c) Each plan prepared under this section is subject to approval by the court security board.
19 Any plan rejected by the court security board shall be returned to the county with a statement of

20 the insufficiencies in such plan. The county shall revise the plan to eliminate the insufficiencies
21 and resubmit it to the court security board.

22 (d) Upon receipt of the plans the court security board shall meet at least twice a year to
23 review the plans and to award money from the court security fund to the circuit clerk, county
24 commission or county sheriff to be used solely and exclusively to purchase equipment, hire
25 personnel or make other identified expenditures in accordance with the plan. The board shall
26 develop an application form and establish criteria to assist them in making the decisions on which
27 applications will receive money and how much money will be awarded. Once an award has been
28 made, the recipient will have a fixed amount of time in which to execute the expenditures
29 described in their plan. The board will set forth in writing the amount of the award, the time frame
30 for accomplishing the plan objectives and the requirement that any unexpended money be
31 returned to the board for deposit in the court security fund. The award or decision not to award
32 these funds shall not relieve any person or office of their duty or obligation to provide security
33 services to courts in this state.

34 (e) The board is authorized to award money from the court security fund to be used by the
35 counties for costs and expenses of training for bailiffs. The board may establish minimum
36 standards for training and it may designate specific agencies or institutions approved for
37 administering such training.

NOTE: The purpose of this bill is to allow the use of bailiffs who are not law-enforcement officers.

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