

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4646

BY DELEGATE SKINNER

BY REQUEST

[Introduced February 22, 2016; referred to the
committee on the Judiciary.]

1 A BILL to amend §50-1-14 of the Code of West Virginia, 1931, as amended, relating to civilian
 2 employees for service of civil process court security; permitting sheriff's to employ civilians
 3 for service of process and court security; and authorizing these civilian employees to carry
 4 dangerous and deadly weapons when designated and permitted by the county sheriff.

Be it enacted by the Legislature of West Virginia:

1 That §50-1-14 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

**§50-1-14. Duties of sheriff; service of process; bailiff; authorization to carry dangerous and
 deadly weapons.**

1 (a) It shall be the duty of each sheriff to execute all civil and criminal process from any
 2 magistrate court which may be directed to such sheriff. Process shall be served in the same
 3 manner as provided by law for process from circuit courts.

4 Subject to the supervision of the chief justice of the Supreme Court of Appeals or of the
 5 judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit
 6 court, it shall be the duty of the sheriff, or his or her designated deputy, to serve as bailiff of a
 7 magistrate court upon the request of the magistrate. Such service shall also be subject to such
 8 administrative rules as may be promulgated by the Supreme Court of Appeals. A writ of
 9 mandamus shall lie on behalf of a magistrate to enforce the provisions of this section.

10 (b) The sheriff of any county may employ, by and with the consent of the county
 11 commission, one or more persons whose ~~sole~~ duties shall be the service of civil process and the
 12 service of subpoenas and subpoenas duces tecum and such court security duties as the sheriff
 13 deems necessary. Any such person shall not be considered a deputy or deputy sheriff within the
 14 meaning of subdivision (2), subsection (a), section two, article fourteen, chapter seven of this
 15 code, nor shall any such person be authorized to carry deadly weapons in the performance of his
 16 or her duties: *Provided*, That the sheriff may authorize an employee whose ~~sole~~ principal duties

17 involve service of civil process or court security to carry a firearm in the performance of those
18 duties if the employee completes ~~all training requirements otherwise applicable to deputy sheriffs~~
19 a training program for the safe and lawful use and handling of firearms: *Provided, however,* That
20 the sheriff may authorize previously certified West Virginia law-enforcement officers to carry a
21 deadly weapon in the performance of the duties of the officers under the provisions of this section:
22 *Provided further,* That these officers and civilian employees maintain yearly weapons
23 qualifications and are bonded through the office of the sheriff.

NOTE: The purpose of this bill is to authorize county process servers and court security personnel to carry dangerous and deadly weapons when performing their duties if authorized by the county sheriff and after completing firearms safety training with annual requalification.

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