

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

House Bill 2863

By Delegates Brooks, Clay, Maynor, Roop, Toney,
and Flanigan

[Introduced February 24, 2025; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §7-14-13 of the Code of West Virginia, related to clarifying a sheriff's
2 authority to hire within their own office.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-13. Vacancies filled by promotions; eligibility for promotion; rights of chief deputy.

1 Vacancies in positions of deputy sheriff shall be filled, so far as practicable, by promotion
2 from among persons holding positions in the next lower grade. Promotions shall be based upon
3 merit and fitness, to be ascertained by competitive examinations to be provided by the civil service
4 commission, and upon the superior qualifications of the persons promoted, as shown by their
5 previous service and experience: *Provided*, That, except for the chief deputy or jailer, no person
6 shall be eligible for promotion from the lower grade to the next higher grade until such person shall
7 have completed at least two years' service in the next lower grade: *Provided, however*, That
8 notwithstanding the provisions of §7-14-1 of this code, any person occupying the office of chief
9 deputy or any deputy sheriff occupying the office of jailer pursuant to the provisions of §7-8-2 of
10 this code in any such county on the effective date of this article, or thereafter appointed to such
11 office, shall, except as hereinafter provided in this section, be and shall continue to be entitled to all
12 of the rights and benefits of the provisions of this article, except that he or she may be removed
13 from such office of chief deputy or jailer without cause and the time spent by such person in the
14 office of such chief deputy or jailer shall be added to the time, if any, served by such person during
15 the entire time he or she was a deputy sheriff of such county prior to his or her appointment as
16 chief deputy or jailer, and shall in all cases of removal, except for removal for just cause, retain the
17 regular rank within said sheriff's office which he or she held, if any, at the time of his or her
18 appointment to the office of chief deputy or jailer or which he or she has attained, if any, during his
19 or her term of service as chief deputy or jailer. The sheriff may have and appoint more than one
20 chief deputy by and with the advice and consent of the county commission, pursuant to the
21 provisions of §7-7-7 of this code. The provisions of this section shall be construed to apply and to

- 22 inure to the benefit of all persons who have ever been subject to the provisions of this article. The
23 commission shall have the power to determine in each instance whether an increase in salary
24 constitutes a promotion.

NOTE: The purpose of this bill is to clarify a sheriff's authority to hire within their own office.

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