

SB 418

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2004



ENROLLED

SENATE BILL NO. 418

(By Senator FACEMYER)



PASSED March 13, 2004

In Effect 90 days from Passage

FILED

2004 APR -7 P 2:24

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 418

(BY SENATOR FACEMYER)

[Passed March 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §50-1-14 of the code of West Virginia, 1931, as amended, relating to authorizing civil process servers employed by a county sheriff to carry firearms and requiring training, continued annual weapons qualifications and bonding through the office of the sheriff.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. COURTS AND OFFICERS.

§50-1-14. Duties of sheriff; service of process; bailiff.

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

6 Subject to the supervision of the chief justice of the
7 supreme court of appeals or of the judge of the circuit

8 court, or the chief judge thereof if there is more than one
9 judge of the circuit court, it shall be the duty of the sheriff,
10 or his or her designated deputy, to serve as bailiff of a
11 magistrate court upon the request of the magistrate. Such
12 service shall also be subject to such administrative rules as
13 may be promulgated by the supreme court of appeals. A
14 writ of mandamus shall lie on behalf of a magistrate to
15 enforce the provisions of this section.

16 (b) The sheriff of any county may employ, by and with
17 the consent of the county commission, one or more persons
18 whose sole duties shall be the service of civil process and
19 the service of subpoenas and subpoenas duces tecum. Any
20 such person shall not be considered a deputy or deputy
21 sheriff within the meaning of subdivision (2), subsection
22 (a), section two, article fourteen, chapter seven of this
23 code, nor shall any such person be authorized to carry
24 deadly weapons in the performance of his or her duties:
25 *Provided*, That the sheriff may authorize an employee
26 whose sole duties involve service of civil process to carry
27 a firearm if the employee completes all training require-
28 ments otherwise applicable to deputy sheriffs for the use
29 and handling of firearms: *Provided, however*, That the
30 sheriff may authorize previously certified West Virginia
31 law-enforcement officers to carry a deadly weapon in the
32 performance of the duties of the officers under the provi-
33 sions of this section: *Provided, further*, That these officers
34 and employees maintain yearly weapons qualifications
35 and are bonded through the office of the sheriff.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within *is approved* this the *7th*
Day of *April*, 2004.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

DATE 3/26/04

TIME 3:15 pm