

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2752**

4 (By Delegates Lawrence, Staggers, Pasdon,  
5 Crosier, Williams, Doyle, Fragale and Hall)

6  
7 (Originating in the Committee on the Judiciary)

8 [February 1, 2011]

9  
10 A BILL to amend and reenact §8-14-12 of the Code of West Virginia,  
11 1931, as amended, relating to municipal police departments;  
12 increasing the maximum age for persons applying for  
13 examination for original appointment to an applicable  
14 municipal police civil system from thirty-five to forty years.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §8-14-12 of the Code of West Virginia, 1931, as amended,  
17 be amended and reenacted to read as follows:

18 **ARTICLE 14. LAW AND ORDER; POLICE FORCE OR DEPARTMENTS; POWERS,  
19 AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND  
20 POLICEMEN; POLICE MATRONS; SPECIAL SCHOOL ZONE AND PARKING LOT  
21 OR PARKING BUILDING POLICE OFFICERS; CIVIL SERVICE FOR CERTAIN  
22 POLICE DEPARTMENTS.**

23 **§8-14-12. Form of application; age and residency requirements;  
24 exceptions.**

25 (a) The policemen's civil service commission in each Class I  
26 and Class II city shall require ~~individuals~~ a person applying for  
27 admission to any competitive examination provided ~~for~~ under the

1 civil service provisions of this article or under the commission's  
2 rules ~~and regulations of said commission~~ to file in its office,  
3 within a reasonable time prior to the proposed examination, a  
4 formal application in which the applicant shall state under oath or  
5 affirmation:

6 (1) ~~His~~ The applicant's full name, residence and post-office  
7 address;

8 (2) ~~His~~ The applicant's United States citizenship, age and the  
9 place and date of ~~his~~ the applicant's birth;

10 (3) ~~His~~ The applicant's state of health and ~~his~~ the  
11 applicant's physical capacity for the public service;

12 (4) ~~His~~ The applicant's business and employments and  
13 residences for at least three previous years; and

14 (5) ~~Such~~ Other information as may reasonably be required,  
15 touching upon the applicant's qualifications and fitness for the  
16 public service.

17 (b) ~~Blank forms for such~~ Applications shall be furnished by  
18 the commission, without charge. ~~to all individuals requesting the~~  
19 ~~same.~~ The commission may require, in connection with ~~such~~ the  
20 application, ~~such~~ the certificates of citizens, physicians and  
21 others, having pertinent knowledge concerning the applicant, as the  
22 good of the service may require.

23 (c) ~~No A~~ application person may not submit an application for  
24 original appointment ~~shall be received~~ if the ~~individual applying~~  
25 person is less than eighteen years of age or more than ~~thirty-five~~  
26 forty years of age at the date of ~~his~~ the individual's application:

1 ~~Provided, That in the event~~

2       (d) Notwithstanding the requirements established in this  
3 section, if any an applicant formerly served upon the paid police  
4 department of the city to which he or she makes application, for a  
5 period of more than his or her probationary period, and resigned  
6 from the department at a time when there were no charges of  
7 misconduct or other misfeasance pending against ~~such~~ the applicant,  
8 within a period of two years next preceding the date of his or her  
9 application, and at the time of his or her application resides  
10 within the corporate limits of the city in which the paid police  
11 department to which ~~he~~ the individual seeks appointment by  
12 reinstatement is located, then ~~such~~ the individual shall be  
13 eligible for appointment by reinstatement in the discretion of the  
14 policemen's civil service commission.       ~~even though such~~ The  
15 applicant ~~shall be~~ may be over the age of ~~thirty-five~~ forty years.  
16 ~~and such~~ The applicant, providing his or her former term of service  
17 so justifies, may be appointed by reinstatement to the paid police  
18 department without a competitive examination, but ~~such~~ the  
19 applicant shall undergo a medical examination. ~~and if such~~  
20 ~~individual shall be so appointed by reinstatement to the paid~~  
21 ~~police department, he~~ The applicant shall be the lowest in rank in  
22 the department next above the probationers of the department.

23       (e) Any An applicant for original appointment must have been  
24 a resident for one year, during some period of time prior to the  
25 date of his or her application, of the city in which ~~he~~ the  
26 applicant seeks to become a member of the paid police department:

1 *Provided*, That if the commission ~~deems~~ determines it necessary it  
2 may consider for original appointment or for reinstatement under  
3 the preceding ~~proviso of this section,~~ subsection, applicants who  
4 are not residents of the city but who have been residents of the  
5 county in which the city or any portion of the territory thereof is  
6 located for a period of at least one year.