

COMMITTEE SUBSTITUTE

FOR

H. B. 2752

(BY DELEGATES LAWRENCE, STAGGERS, PASDON,
CROSIER, WILLIAMS, DOYLE, FRAGALE AND HALL)

(Originating in the Committee on the Judiciary)
[February 1, 2011]

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

Be it enacted by the Legislature of West Virginia:

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

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

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

1 (a) The policemen's civil service commission in each
2 Class I and Class II city shall require ~~individuals~~ a person
3 applying for admission to any competitive examination
4 provided ~~for~~ under the civil service provisions of this article
5 or under the commission's rules ~~and regulations of said~~
6 ~~commission~~ to file in its office, within a reasonable time
7 prior to the proposed examination, a formal application in
8 which the applicant shall state under oath or affirmation:

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

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

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

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

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

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

27 (c) ~~No~~ A application person may not submit an
28 application for original appointment ~~shall be received~~ if the
29 ~~individual applying~~ person is less than eighteen years of age
30 or more than ~~thirty-five~~ forty years of age at the date of ~~his~~
31 the individual's application: ~~Provided, That in the event~~

32 (d) Notwithstanding the requirements established in this
33 section, if any an applicant formerly served upon the paid
34 police department of the city to which he or she makes
35 application, for a period of more than his or her
36 probationary period, and resigned from the department at a
37 time when there were no charges of misconduct or other
38 misfeasance pending against ~~such~~ the applicant, within a
39 period of two years next preceding the date of his or her
40 application, and at the time of his or her application resides
41 within the corporate limits of the city in which the paid
42 police department to which ~~he~~ the individual seeks
43 appointment by reinstatement is located, then ~~such~~ the
44 individual shall be eligible for appointment by
45 reinstatement in the discretion of the policemen's civil
46 service commission. ~~even though such~~ The applicant shall
47 ~~be~~ may be over the age of ~~thirty-five~~ forty years. ~~and such~~
48 The applicant, providing his or her former term of service
49 so justifies, may be appointed by reinstatement to the paid
50 police department without a competitive examination, but

51 ~~such the applicant shall undergo a medical examination. and~~
52 ~~if such individual shall be so appointed by reinstatement to~~
53 ~~the paid police department, he~~ The applicant shall be the
54 lowest in rank in the department next above the
55 probationers of the department.

56 ~~(e) Any~~ An applicant for original appointment must have
57 been a resident for one year, during some period of time
58 prior to the date of his or her application, of the city in
59 which ~~he~~ the applicant seeks to become a member of the
60 paid police department: *Provided*, That if the commission
61 ~~deems~~ determines it necessary it may consider for original
62 appointment or for reinstatement under the preceding
63 ~~proviso of this section, subsection,~~ applicants who are not
64 residents of the city but who have been residents of the
65 county in which the city or any portion of the territory
66 thereof is located for a period of at least one year.