

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 2717**

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(BY DELEGATES ASHLEY, SKAFF, RAINES, SWARTZMILLER, FERNS,  
REYNOLDS, STOWERS, WHITE, MILEY AND WALKER)

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[Passed April 13, 2013; in effect July 1, 2013.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-14a, relating to requiring that sheriffs provide ballistic resistant vests to deputy sheriffs; providing standards for personal body armor; requiring payment of expenses by county commission; limiting the construction of provisions; and encouraging defrayment of expenses.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §7-7-14a, to read as follows:

**ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.**

**§7-7-14a. Personal body armor to be provided to deputy sheriffs; standards; payment of expenses thereof by county commission.**

1           (a)(1) The sheriff of each county shall provide an item of  
2 personal body armor commonly known as a ballistic resistant  
3 vest to each of his or her deputy sheriffs, subject to the follow-  
4 ing:

5           (A) Each of his or her deputy sheriffs who is so employed on  
6 July 1, 2013 and who holds a valid law enforcement certification  
7 issued under article twenty-nine, chapter thirty of this code on  
8 that date, shall receive the vest on or within a reasonable time  
9 after July 1, 2013;

10          (B) Each of his or her deputy sheriffs who is so employed on  
11 July 1, 2013 and who is certifiable under the provisions of  
12 section five, article twenty-nine, chapter thirty of this code on  
13 that date, but who subsequently meets the requirements for  
14 certification under that section, shall receive the vest on or  
15 within a reasonable time after the date he or she is issued a valid  
16 law enforcement certification;

17          (C) Each of his or her deputy sheriffs who is so employed on  
18 a conditional basis on July 1, 2013 and who is not certified or  
19 certifiable under the provisions of section five, article  
20 twenty-nine, chapter thirty of this code on that date, but who  
21 subsequently meets the requirements for certification under that  
22 section, shall receive the vest on or within a reasonable time  
23 after the date he or she is issued a valid law enforcement  
24 certification;

25          (D) Each of his or her deputy sheriffs who is so employed  
26 after July 1, 2013 and who holds a valid law enforcement  
27 certification issued under article twenty-nine, chapter thirty of  
28 this code on the date of his or her employment, shall receive the  
29 vest on or within a reasonable time after July 1, 2013; or

30 (E) Each of his or her deputy sheriffs who is so employed  
31 after July 1, 2013, and who is certifiable as described in para-  
32 graph (B) of this subdivision on the date of employment, or who  
33 is not certified or certifiable on the date of employment as  
34 described in paragraph (C) of this subdivision on the date of  
35 conditional employment, but who subsequently meets the  
36 requirements for certification under section five, article  
37 twenty-nine, chapter thirty of this code, shall receive the vest on  
38 or within a reasonable time after the date he or she is issued a  
39 valid law enforcement certification.

40 (2)(A) A ballistic resistant vest or other personal body armor  
41 provided under this section or otherwise shall meet the minimum  
42 performance standards for the ballistic resistance of personal  
43 body armor established by Standards and Testing Program  
44 sponsored by the Office of Science and Technology of the  
45 National Institute of Justice (NIJ), Office of Justice Programs,  
46 U.S. Department of Justice on the date the personal body armor  
47 is provided.

48 (B) Notwithstanding any other provision of this section to  
49 the contrary, no body armor model determined to be unsuitable  
50 by the National Institute of Justice may be provided to any  
51 deputy sheriff under the provisions of this section.

52 (3) A sheriff is not required to provide a ballistic resistant  
53 vest or other model of personal body armor under this section to  
54 a deputy sheriff where:

55 (A) The sheriff had provided personal body armor meeting  
56 the standards established by this section prior to the date upon  
57 which the sheriff would otherwise be required to provide it under  
58 this section; or

59 (B) The deputy sheriff owns personal body armor meeting  
60 the standards established by this section on the date upon which  
61 the sheriff would otherwise be required to provide personal body

62 armor under this section and and elects in writing to decline  
63 acceptance of the personal body armor that would be provided  
64 under this section.

65 (b) The county commission of each county shall expend  
66 from the general county fund, upon request and requisition by  
67 the sheriff of the county, the necessary and proper expenses of  
68 providing the personal body armor described in subsection (a) of  
69 this section.

70 (c) No provision of this section may be construed to prevent  
71 a county commission, in its discretion, from expending such  
72 funds as may be necessary and proper to provide additional  
73 ballistic resistant vests, ballistic resistance jackets or other  
74 models of personal body armor equipment for the use of the  
75 sheriff and his or her deputies, nor to in any manner limit a  
76 sheriff from incurring actual and necessary expenses in the  
77 discharge of his or her duties for any purpose specified under  
78 section thirteen of this article.

79 (d) Each county commission and sheriff is encouraged to  
80 seek available federal and other lawful funds or assistance to  
81 defray the expenses incurred under this section.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect July 1, 2013.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2013.

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*Governor*





