

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5122

By Delegates Hillenbrand, Ward, Adkins, Petitto,
Brooks, Gearheart, Ridenour, Fast, Fehrenbacher,
Foggin, and Heckert

[Originating in the Committee on the Judiciary;

Reported on January 31, 2024]

1 A BILL to amend and reenact §7-14-8 and §8-14-12 of the Code of West Virginia, 1931, as
2 amended, relating to civil service for deputy sheriffs; renumbering certain sections;
3 removing age restrictions for original appointments as a deputy sheriff; clarifying the
4 requirements for return to work of a deputy sheriff; and removing the age restrictions for
5 original appointment as a municipal police officer.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-8. Form of application; age requirements; exceptions.

1 (a) The civil service commission in each ~~such~~ county shall require persons applying for
2 admission to any competitive examination provided for under this article or under the rules and
3 regulations of the commission to file in its office, within a reasonable time prior to the proposed
4 competitive examination, a formal application in which the applicant shall state under oath or
5 affirmation:

6 (1) His or her full name, residence and post-office address;

7 (2) His or her United States citizenship, age and the place and date of his or her birth;

8 (3) His or her health and his or her physical capacity for the position of deputy sheriff;

9 (4) His or her business, employments and residences for at least three previous years; and

10 (5) Such other information as may reasonably be required, relative to the applicant's
11 qualifications and fitness for the position of deputy sheriff.

12 (b) Blank forms for ~~such~~ the applications shall be furnished by the commission, without
13 charge, to all persons requesting ~~the same~~ applications. The commission may require, in
14 connection with the application, such certificates of citizens, physicians or others, having pertinent
15 knowledge concerning the applicant, as the good of the service may require.

16 (c) No application for original appointment shall be received on and after the effective date
17 of this article, if the person applying is less than eighteen years of age or more than forty-five years
18 of age at the date of his or her application. There shall be no other age-based restrictions on
19 applications for original appointments. ~~Provided, That in the event any applicant formerly served~~
20 ~~as a deputy sheriff for a period of more than six months in the county to which he makes~~
21 ~~application, and resigned as a deputy sheriff at a time when there were no charges of misconduct~~
22 ~~or other misfeasance pending against him, within a period of two years next preceding the date of~~
23 ~~his application, and at the time of his application resides within the county in which he seeks~~
24 ~~appointment by reinstatement, then such applicant shall be eligible for appointment by~~
25 ~~reinstatement in the discretion of the civil service commission, even though such applicant shall be~~
26 ~~over the age of forty-five years, provided he is not sixty-five years of age or over, and such~~
27 ~~applicant, providing his former term of service as a deputy sheriff so justifies, may be reappointed~~
28 ~~by reinstatement without a competitive examination, but such applicant shall undergo a medical~~
29 ~~examination; and if such applicant shall be so appointed by reinstatement as aforesaid, he shall be~~
30 ~~the lowest in rank in the sheriff's office next above the probationers of the office.~~

31 (d) Any applicant who formerly served as a deputy sheriff for more than six months before
32 resignation is eligible for reinstatement by appointment if:

- 33 (1) No charges of misconduct or other misfeasance are pending against the applicant;
34 (2) The applicant seeks reinstatement within two years of resignation as a deputy sheriff;
35 (3) The applicant resides in the same county as the original appointment; and
36 (4) The applicant completes a medical and psychological examination to certify the
37 applicant can perform the duties of a deputy sheriff.

38 The commission may reinstate the applicant without a competitive examination in the
39 commission's discretion.

40 (e) If an applicant is successfully reinstated as a deputy sheriff pursuant to subsection (d),
41 the applicant shall be the lowest in rank in the sheriff's office next above the probationers of the
42 office.

CHAPTER 8. MUNICIPAL CORPORATIONS.

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.

Part V. 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 Class I and Class II city shall require
2 a person applying for admission to any competitive examination provided under the civil service
3 provisions of this article or under the commission's rules to file in its office, within a reasonable time
4 prior to the proposed examination, a formal application in which the applicant shall state under
5 oath or affirmation:

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

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

9 (3) The applicant's state of health and the applicant's physical capacity for the public
10 service;

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

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

15 (b) Applications shall be furnished by the commission, without charge. The commission
16 may require, in connection with the application, the certificates of citizens, physicians, and others,
17 having pertinent knowledge concerning the applicant, as the good of the service may require.

18 (c) Notwithstanding the provisions of §11-5-1 *et seq.* of this code, a person may not submit
19 an application for original appointment if the person is less than 18 years of age ~~or more than 40~~
20 ~~years of age~~ at the date of the individual's application. There shall be no other age-based
21 restrictions on applications for original appointments.

22 (d) Notwithstanding the requirements established in this section, if an applicant: (1)
23 Formerly served upon the paid police department of the city to which he or she makes application,
24 for a period of more than his or her probationary period; (2) resigned from the department at a time
25 when there were no charges of misconduct or other misfeasance pending against the applicant;
26 and (3) applies for appointment by reinstatement within a period of two years from the date of
27 resignation from the paid police department to which the individual seeks appointment by
28 reinstatement, then the individual is eligible for appointment by reinstatement in the discretion of
29 the policemen's civil service commission. ~~The applicant may be over the age of 40 years.~~ Age will
30 not be a factor in appointment consideration. The applicant, providing his or her former term of
31 service so justifies, may be appointed by reinstatement to the paid police department without a
32 competitive examination, but the applicant shall undergo a medical examination. The applicant
33 shall be the lowest in rank in the department next above the probationers of the department.