

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5133

By Delegates Kump, Horst, C. Pritt, Ridenour, Hite,
DeVault, Householder, Mallow, Kimble, Maynor, and
Foster

[Introduced January 25, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating to
2 removing the age limit of 40 years when hiring law-enforcement officers.

Be it enacted by the Legislature of West Virginia:

**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.

NOTE: The purpose of this bill is to remove the age limit of 40 years when hiring law-enforcement officers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.