

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5318

By Delegates Kelly, Hott, Ward, Kump, Fehrenbacher,

Mallow, Hornby, Phillips, Jeffries, Pinson, and Kirby

[Originating in the Committee on the Judiciary;

Reported on February 9, 2024]

1 A BILL to amend and reenact §30-29-13 of the Code of West Virginia, 1931, as amended, relating
2 to municipal chief executive requirements; and clarifying that persons elected as municipal
3 police chiefs shall be certified law-enforcement officers, or to be certifiable as such,
4 according to the requirements set forth in other applicable provisions of this code; and
5 providing that chief executives elected prior to the effective date are exempt from the
6 requirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 29. LAW-ENFORCEMENT TRAINING AND CERTIFICATION.

§30-29-13. Chief executive requirements.

1 Notwithstanding any provision of this code to the contrary, on or after July 1, 2018, any
2 person elected or appointed to serve as the chief executive of a municipal law-enforcement
3 agency shall be a certified, or certifiable as, a law-enforcement officer as provided in §30-29-5 of
4 this code: *Provided*, That chief executives of municipal law-enforcement agencies employed prior
5 to July 1, 2018, who are not certified law-enforcement officers are exempt from this requirement
6 for purposes of the position he or she holds as of that date; *Provided however*, That chief
7 executives of municipal law-enforcement agencies elected prior to July 1, 2024, who are not
8 certified law-enforcement officers are exempt from this requirement for purposes of the position
9 held unless a break in service from the elected position occurs.

NOTE: The purpose of this bill is to clarify that elected municipal police chiefs shall be certified 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.