

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5418

BY Delegates Campbell, Ward, Adkins, Jennings,

Marple, Kelly, Heckert, and Foggin

[Introduced February 1, 2024; Referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §51-3-15 of the Code of West Virginia, 1931, as amended, relating to
2 vesting the power of overall approval of the requirements for the position of bailiff.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. COURTS IN GENERAL.

§51-3-15. Court security board, terms.

1 (a) There is hereby created a court security board who shall make decisions on how the
2 money in the court security fund is to be spent to enhance the security of courts. The board shall
3 consist of seven members and the administrative director of the Supreme Court of Appeals who
4 shall serve ex officio and be the chair. The board shall be appointed as follows: One circuit court
5 judge appointed by the judicial association; one magistrate appointed by the magistrate's
6 association; one family law master appointed by the family law master's association; one member
7 of the bar appointed by the president of the West Virginia State Bar; one representative of counties
8 appointed by the West Virginia Association of Counties; one representative of sheriffs appointed
9 by the West Virginia sheriffs association; and one representative of the State Police appointed by
10 the secretary of the Department of Military Affairs and Public Safety.

11 (b) The members of the board shall each serve terms that commence on July 1, 1996. Of
12 the initial appointments to the board, two shall serve for two-year terms, two shall serve for three-
13 year terms and two shall serve for four-year terms. Thereafter, each appointment shall be for a
14 four-year term commencing upon the expiration of his or her previous term or of his or her
15 predecessor's term. No member may be appointed for more than three consecutive terms.
16 Vacancies shall be appointed in a like manner for the balance of an unexpired term.

17 (c) The board shall compile and keep a list of able and available law-enforcement officers
18 who have obtained certification in compliance with the provisions of §30-29-5 of this code and who
19 have maintained all necessary qualifications and firearms certifications to enable them to serve as
20 bailiffs in court facilities. The Sheriff of the county in which the bailiff will be serving shall have the
21 authority to make final, overall judgments as to whether a specific officer is qualified to serve as a

22 bailiff, meets requirements for the position, is the appropriate choice to serve as a bailiff, or any of
23 these determinations individually or in combination. The board shall make the list available to all
24 county sheriffs for their use in recruiting and hiring temporary, part-time or occasional bailiffs to
25 exercise all the powers and duties of bailiffs in the court facilities in their counties.

NOTE: The purpose of this bill is to vest the power of overall approval of the requirements for the position of bailiff.

This section is new; therefore, strike-throughs and underscoring have been omitted.