

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 328

(By Mr. Speaker, Mr. Thomas)



PASSED March 11, 1939

In Effect from Passage

ENROLLED

House Bill No. 328

(BY MR. SPEAKER, MR. THOMAS)

[Passed March 11, 1939; in effect from passage.]

AN ACT to amend and reenact section twenty-one, chapter fifty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, relating to political activity of police officers.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, chapter fifty-seven, acts of the Legislature, regular session, one thousand nine hundred thirty-seven, be amended and reenacted to read as follows:

Section 21. Political Activity of Police Officers Prohibited.

- 2 (a) No police officer shall serve as an election official, nor
3 shall he engage in any political activity, other than to vote, in
4 behalf of, or in opposition to, any candidate, political party
5 or public issue involved in any election. Any violation by

6 a police officer of the provisions of this section shall auto-
7 matically vacate his appointment.

8 (b) Any three citizens of this state, who are residents of the
9 municipality in which such police officer may be employed,
10 may file their written petition with the civil service commis-
11 sion setting out therein the grounds upon which the appoint-
12 ment of such police officer should be vacated for violation of
13 subsection-a of this section. Notice of the filing of such petition
14 shall be given by said commission to the accused police officer,
15 which notice shall require the said officer to file written
16 answer to the charges set out in the petition within thirty
17 days of the date of said notice. The said petition and answer
18 thereto, if any, shall be entered on the records of said civil
19 service commission. If such answer is not filed within the
20 time stated, or any extension thereof for cause which in the
21 discretion of the civil service commission may be granted,
22 an order shall be entered by the commission declaring the
23 appointment of said police officer vacated; if such answer
24 is filed within the time stated, or any extension thereof for
25 cause which in the discretion of the civil service commission
26 may be granted, the accused officer may demand therein a

27 public hearing on the charges, or the civil service commission
28 may, in its discretion and without demand therefor, set a
29 time for a public hearing on said charges, which time shall
30 be within thirty days of the filing of said answer, subject,
31 however, to any continuances thereof which may in the dis-
32 cretion of the civil service commission be granted. A written
33 record of all testimony taken at such hearing shall be kept
34 and preserved by the civil service commission, which record
35 shall be sealed and not be open to public inspection, if no
36 appeal be taken from the action of the commission. The
37 commission at the conclusion of the hearing, or as soon there-
38 after as possible, shall enter an order sustaining in whole
39 or in part the charges made, or shall dismiss the charges as
40 unfounded. In the event the charges are sustained in whole
41 or in part, the order shall also declare the appointment of
42 said police officer to be vacated and thereupon the proper
43 municipal authorities shall immediately remove said police
44 officer from the police force and from the payroll of said
45 municipality. Notice of the action of the commission shall
46 be given by registered letter to the mayor or chief of police
47 or other like officer of the municipality; and for failure to

48 immediately comply with the order of the commission such
49 officer or officers shall be punished for contempt, upon appli-
50 cation of the commission to the circuit court of the county
51 in which the municipality is located.

52 An appeal from the ruling of the commission may be had
53 as provided for in section thirteen of this article.

I certify that the foregoing act,
having been presented to the Governor for
his approval, and not having been returned
by him to the House of the Legislature in
which it originated within the time pre-
scribed by the constitution of the state, has
become a law without his approval.

This the 17th day of March,

1939.



SECRETARY OF STATE

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

E. O. Wiseman

Chairman Senate Committee

Dee B. Walter

Chairman House Committee

Originated in the

House of Delegates

Takes effect

from

passage.

Shirley

Clerk of the Senate

W. S. Hall

Clerk of the House of Delegates

W. M. M. M.

President of the Senate

James L. House

Speaker House of Delegates

The within.....this the.....

day of....., 1939.



Governor.