WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

HOUSE BILL No. 1440

(By Mr. Crabtree)

PASSED March 17, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/1/76
ENROLLED

H. B. 1440
(By Mr. Crabtree)

[Passed March 17, 1976; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article fourteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers, authority and duties of municipal law-enforcement officials and policemen; supervision of prisoners in the jail.

Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one as amended, be amended and reenacted to read as follows:

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 II. POWERS, AUTHORITY AND DUTIES OF LAW-ENFORCEMENT OFFICIALS AND POLICEMEN.

§8-14-3. Powers, authority and duties of law-enforcement officials and policemen.

1 The chief and any member of the police force or department of a municipality and any municipal sergeant shall have all of the powers, authority, rights and privileges within the corporate limits of the municipality with regard to the arrest of persons, the collection of claims, and the execution and return of any search warrant, warrant of arrest or other
process, which can legally be exercised or discharged by a 
deputy sheriff of a county. In order to arrest for the 
violation of municipal ordinances and as to all matters 
arising within the corporate limits and coming within the 
scope of his official duties, the powers of any chief, policeman 
or sergeant shall extend anywhere within the county or coun-
ties in which the municipality is located, and any such chief, 
policeman or sergeant shall have the same authority of 
pursuit and arrest beyond his normal jurisdiction as has a 
sheriff. For an offense committed in his presence, any such 
officer may arrest the offender without a warrant and take 
him before the mayor or police court or municipal court to 
be dealt with according to law. He and his sureties shall be 
liable to all the fines, penalties and forfeitures which a 
deputy sheriff is liable to, for any failure or dereliction 
in such office, to be recovered in the same manner and 
in the same courts in which such fines, penalties and for-
feitures are recovered against a deputy sheriff. In addition to 
the mayor, or police court judge or municipal court judge, if 
any, of a city, the chief of police of any municipality and in 
the absence from the station house of the chief of police the 
captains of police and lieutenants of police shall each have 
authority to administer oaths to complainants and to issue 
arrest warrants thereon for all violations of the ordinances of 
such municipality.

It shall be the duty of the mayor and police officers of 
every municipality and any municipal sergeant to aid in 
the enforcement of the criminal laws of the state within the 
municipality, independently of any charter provision or any 
ordinance or lack of an ordinance with respect thereto, and 
to cause the arrest of or arrest any offender and take him 
before a regular or ex officio justice of the peace of the 
county or a magistrate to be dealt with according to the law. 
Failure on the part of any such official or officer to discharge 
any duty imposed by the provisions of this section shall be 
deemed official misconduct for which he may be removed from 
ofice. Any such official or officer shall have the same author-
ty to execute a warrant issued by a justice of the peace or a 
magistrate, and the same authority to arrest without a warrant 
for offenses committed in his presence, as a deputy sheriff.
The chief of police shall be charged with the keeping and security of the jail and at any time that one or more prisoners are being held in the jail, he shall require that the jail be attended by a police officer or other responsible person.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 31st day of September, 1976.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/25/26
Time 2:00 p.m.