WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

ENROLLED

By Mr. Del. Love

Passed April 13, 1985

In Effect 90 Days From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1182
(By Delegate Love)

[Passed April 13, 1985; in effect ninety days from passage.]

Be it enacted by the Legislature of West Virginia:

That article three, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a, to read as follows:

ARTICLE 3. DEPUTY OFFICERS AND CONSERVATORS OF THE PEACE.

§6-3-1a. Deputy sheriff's reserve; purpose; appointment and qualifications of members; duties; attire; training; oath; bond; not employee of sheriff or county commission for certain purposes; limitation on liability.
(a) The sheriff of any county may, for the purposes hereinafter set forth, designate and appoint a deputy sheriff's reserve, hereinafter referred to as "reserve" or "reserves." No such reserve shall be designated or created without the prior approval of the county commission for the establishment thereof.

(b) Each sheriff is authorized to appoint as members of the reserve bona fide citizens of the county who are of good moral character and who have not been convicted of a felony or other crime involving moral turpitude. Any person so appointed shall serve at the will and pleasure of the sheriff and shall not be subject to the provisions of article fourteen, chapter seven of this code. No member of the reserves shall engage in any political activity or campaign involving the office of sheriff or from which activity or campaign the sheriff or candidates therefor appointing such member would directly benefit.

(c) Members of the reserves shall not carry weapons nor serve as law-enforcement officers. Such reserves may, however, be provided with radio communication equipment for the purpose of maintaining contact with the sheriff's department or other law-enforcement agencies. The duties of the reserves shall be limited to crowd control or traffic control and direction within the county. In addition, such reserves may perform such other duties of a nonlaw-enforcement nature as are designated by the sheriff or by a deputy sheriff designated and appointed by the sheriff for that purpose: Provided, That in no case shall any member of the reserves aid or assist any law-enforcement officer in enforcing the statutes and laws of this state in any labor trouble or dispute between employer and employee.

(d) Members of the reserves may be uniformed; however, if so uniformed, such uniforms shall clearly differentiate such members from other law-enforcement deputy sheriffs.

(e) After appointment to the reserves but prior to service as such, each member of the reserves shall receive appropriate training and instruction in their functions and authority as well as the limitations of such authority. In addition, each member of the reserves shall annually receive in-service training.

(f) Each member of the reserve shall take the same oath as
prescribed by article four, section five of the constitution of
the state of West Virginia, but the taking of such oath shall
not serve to make such member a public officer.

(g) The county commission of each county shall provide for
the bonding and liability insurance of each member of the
reserve.

(h) No member of the reserve shall be regarded as an
employee of either the sheriff or of the county commission for
any purpose or purposes, including, but not limited to, the
purposes of workers’ compensation, civil service, unemploy-
ment compensation, public employees retirement, public
employees insurance or for any other purpose. No member of
the reserves shall receive any compensation or pay for any
services performed as such member nor shall such member use
the designated uniform for any other similar work performed.

(i) Neither the county commission nor the sheriff shall be
liable for any of the acts of any member of the reserves except
in the case of gross negligence on the part of the county
commission or sheriff in the appointment of such member or
in the case of gross negligence on the part of either the sheriff
or any of his deputies in directing any action on the part of
such member.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill approved this the day of , 1985.

Governor
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