

No. 1182

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1182

(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.]

AN ACT to amend article three, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, relating to the establishment of a deputy sheriff's reserve in each county by the sheriff; stating purpose; relating to appointment, qualifications, duties, attire, oath, training, bond and liability insurance; reserves not employees of sheriff or county commission; and limitations on liability of sheriff and county commission for actions of reserves.

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.

1 (a) The sheriff of any county may, for the purposes
2 hereinafter set forth, designate and appoint a deputy sheriff's
3 reserve, hereinafter referred to as "reserve" or "reserves." No
4 such reserve shall be designated or created without the prior
5 approval of the county commission for the establishment
6 thereof.

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

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

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

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

40 (f) Each member of the reserve shall take the same oath as

41 prescribed by article four, section five of the constitution of
42 the state of West Virginia, but the taking of such oath shall
43 not serve to make such member a public officer.

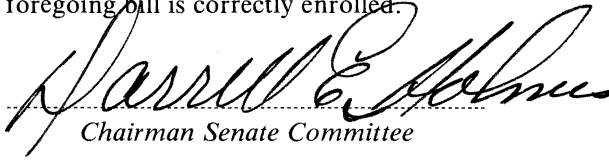
44 (g) The county commission of each county shall provide for
45 the bonding and liability insurance of each member of the
46 reserve.

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

56 (i) Neither the county commission nor the sheriff shall be
57 liable for any of the acts of any member of the reserves except
58 in the case of gross negligence on the part of the county
59 commission or sheriff in the appointment of such member or
60 in the case of gross negligence on the part of either the sheriff
61 or any of his deputies in directing any action on the part of
62 such member.

[Handwritten signatures and initials]

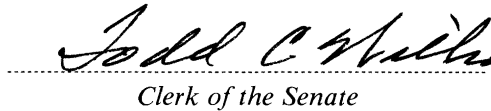
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

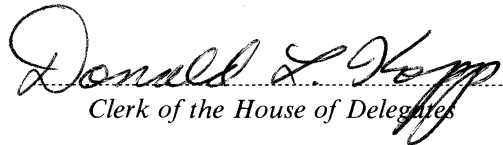

Chairman Senate Committee

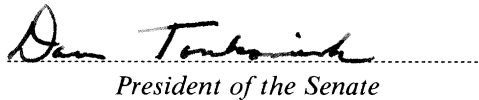

Chairman House Committee

Originating in the House.

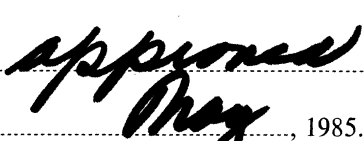
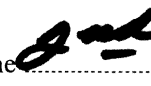

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within  this the 
day of  1985.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 6:53 p.m.