

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

— ● —

ENROLLED

Com. Sub. from
HOUSE BILL No. 4666

(By ~~THE~~ *Del. Spencer*)

— ● —

Passed *March 10,* 1990

In Effect *90 Days from* Passage

FILED
MAR 31 1990
CLERK

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4666
(By DELEGATE SPENCER)

[Passed March 10, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact sections fifteen-a and nineteen-a, article fourteen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section three, article fourteen, chapter eight of said code, all relating to prohibiting off-duty employment by law-enforcement officers in labor disputes.

Be it enacted by the Legislature of West Virginia:

That sections fifteen-a and nineteen-a, article fourteen, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section three, article fourteen, chapter eight of said code, be amended and reenacted all to read as follows:

**CHAPTER 7. COUNTY COMMISSIONS
AND OFFICERS.**

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-15a. Additional part-time police work permitted.

- 1 Deputy sheriffs shall be allowed to engage in police
- 2 work for pay in addition to their regular work as a
- 3 deputy sheriff. However, they may not engage in such

4 police work for any party engaged in or involved in any
5 labor trouble or dispute between employer and
6 employee.

7 The deputy sheriffs civil service commission shall
8 prescribe and enforce rules and regulations fixing the
9 terms and conditions under which deputy sheriffs may
10 engage in police work in addition to their normal duties
11 as deputy sheriffs. These rules and regulations must
12 prohibit discrimination, as far as practicable, between
13 deputy sheriffs with regard to the allocation of addi-
14 tional police work. No sheriff may have a direct or
15 indirect pecuniary interest in any outside employment.
16 A deputy sheriff performing additional police work
17 shall wear an identifying armband to indicate special
18 duty.

**§7-14-19a. Additional police work for deputy sheriffs in
noncivil service counties.**

1 The sheriff of any county with a population of less
2 than twelve thousand five hundred which has not
3 adopted civil service for deputy sheriffs pursuant to the
4 provisions of section nineteen, article fourteen, chapter
5 seven, may allow his deputy sheriffs to do additional
6 police work in addition to his normal duties as a deputy
7 sheriff. However, they may not be allowed to engage in
8 such police work for any party engaged in or involved
9 in any labor trouble or dispute between employer and
10 employee. Before such sheriff shall be allowed to grant
11 such additional police work to his deputy sheriffs, he
12 must prepare a plan setting forth the terms and
13 conditions under which his deputy sheriffs may engage
14 in additional police work. Such terms and conditions
15 must prohibit discrimination between deputies with
16 regard to the allocation of additional police work. Such
17 plans shall be submitted to the county commission of
18 such county and shall be subject to the approval of said
19 county commission. No sheriff may have a direct or
20 indirect pecuniary interest in any outside employment.
21 A deputy sheriff performing additional police work
22 shall wear an identifying armband to indicate special
23 duty.

CHAPTER 8. MUNICIPAL CORPORATIONS.

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.

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

1 The chief and any member of the police force or
2 department of a municipality and any municipal
3 sergeant shall have all of the powers, authority, rights
4 and privileges within the corporate limits of the
5 municipality with regard to the arrest of persons, the
6 collection of claims, and the execution and return of any
7 search warrant, warrant of arrest or other process,
8 which can legally be exercised or discharged by a
9 deputy sheriff of a county. In order to arrest for the
10 violation of municipal ordinances and as to all matters
11 arising within the corporate limits and coming within
12 the scope of his official duties, the powers of any chief,
13 policeman or sergeant shall extend anywhere within the
14 county or counties in which the municipality is located,
15 and any such chief, policeman or sergeant shall have the
16 same authority of pursuit and arrest beyond his normal
17 jurisdiction as has a sheriff. For an offense committed
18 in his presence, any such officer may arrest the offender
19 without a warrant and take him before the mayor or
20 police court or municipal court to be dealt with
21 according to law. He and his sureties shall be liable to
22 all the fines, penalties and forfeitures which a deputy
23 sheriff is liable to, for any failure or dereliction in such
24 office, to be recovered in the same manner and in the
25 same courts in which such fines, penalties and forfei-
26 tures are recovered against a deputy sheriff. In addition
27 to the mayor, or police court judge or municipal court
28 judge, if any, of a city, the chief of police of any
29 municipality and in the absence from the station house
30 of the chief of police the captains of police and lieuten-
31 ants of police shall each have authority to administer
32 oaths to complainants and to issue arrest warrants

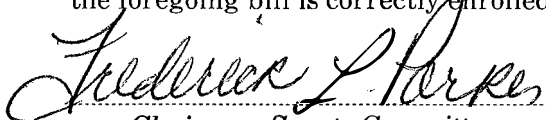
33 thereon for all violations of the ordinances of such
34 municipality.

35 It shall be the duty of the mayor and police officers
36 of every municipality and any municipal sergeant to aid
37 in the enforcement of the criminal laws of the state
38 within the municipality, independently of any charter
39 provision or any ordinance or lack of an ordinance with
40 respect thereto, and to cause the arrest of or arrest any
41 offender and take him before a magistrate to be dealt
42 with according to the law. Failure on the part of any
43 such official or officer to discharge any duty imposed by
44 the provisions of this section shall be deemed official
45 misconduct for which he may be removed from office.
46 Any such official or officer shall have the same authority
47 to execute a warrant issued by a magistrate, and the
48 same authority to arrest without a warrant for offenses
49 committed in his presence, as a deputy sheriff.

50 No officer or member of the police force or depart-
51 ment of a municipality may aid or assist either party
52 in any labor trouble or dispute between employer and
53 employee. They shall in such cases see that the statutes
54 and laws of this state and municipal ordinances are
55 enforced in a legal way and manner. Nor shall he or she
56 engage in off-duty police work for any party engaged
57 in or involved in such labor dispute or trouble between
58 employer and employee.

59 The chief of police shall be charged with the keeping
60 and security of the jail and at any time that one or more
61 prisoners are being held in the jail, he shall require that
62 the jail be attended by a police officer or other
63 responsible person.

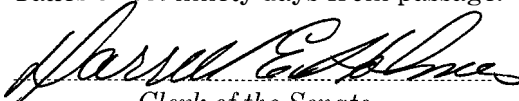
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

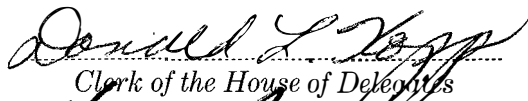

Chairman Senate Committee


Chairman House Committee

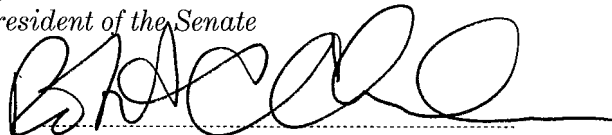
Originating in the House.

Takes effect ninety days from passage.

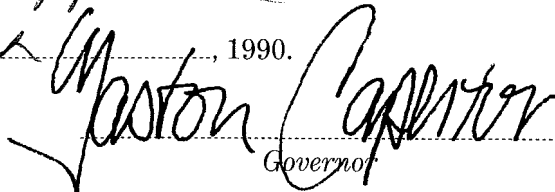

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 3/8
day of March, 1990.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/90

Time 4:16 pm