

SB 422

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998



## ENROLLED

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 422

(By Senator HUNTER, ET AL)



PASSED MARCH 13, 1998

In Effect NINETY DAYS FROM Passage

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WEST VIRGINIA LEGISLATURE  
SERVICES DIVISION

## ENROLLED

COMMITTEE SUBSTITUTE  
FOR

### Senate Bill No. 422

(SENATORS HUNTER, LOVE,  
BUCKALEW AND BALL, *original sponsors*)

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[Passed March 13, 1998; in effect ninety days from passage.]

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AN ACT to amend and reenact section ten, article two, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the bonding of deputy sheriffs; and providing that bonding not required when liability insurance is in place.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 2. OFFICIAL AND OTHER BONDS.****§6-2-10. Bonds of county officers; required for deputy sheriffs.**

1 Every commissioner of a county commission and every  
2 clerk of a circuit court shall give bond with good security,  
3 to be approved by the circuit court, or the judge thereof in  
4 vacation; and every sheriff, deputy sheriff, surveyor of  
5 lands, clerk of a county commission, assessor, county  
6 superintendent of schools, notary public and magistrate  
7 shall give bond with good security, to be approved, unless  
8 otherwise provided by law, by the county commission of  
9 the county in which such officer is to act. The penalty of  
10 the bond of each commissioner of a county commission  
11 shall be not less than twenty thousand dollars and not  
12 more than two hundred thousand dollars, the amount to  
13 be fixed by the circuit court of the county, or the judge  
14 thereof in vacation, by order entered of record on the  
15 proper order books of both the county and circuit courts;  
16 of the clerk of the circuit court, not less than ten thousand  
17 nor more than fifty thousand dollars; of the sheriff, not  
18 less than one hundred thousand dollars nor more than the  
19 aggregate amount of all state, county, district, school,  
20 municipal and other moneys which will probably come  
21 into his hands during any one year of his term of office; of  
22 the deputy sheriff, not less than thirty-five thousand nor  
23 more than one hundred thousand dollars; of the surveyor  
24 of lands, not less than one thousand nor more than three  
25 thousand dollars; of the clerk of the county commission,  
26 not less than ten thousand nor more than fifty thousand  
27 dollars; of the assessor, not less than two thousand nor  
28 more than five thousand dollars; of the county superinten-  
29 dent of schools, not less than ten thousand nor more than  
30 fifty thousand dollars; of a notary public, not less than  
31 two hundred fifty nor more than one thousand dollars.  
32 Any public body required to pay the premiums on official  
33 bonds may provide a blanket bond policy for two or more  
34 such official bonds: *Provided*, That the bond herein  
35 required to be given by a notary public may be given

36 before the clerk of the county commission, in the vacation  
37 of said commission, and approved by it at its next regular  
38 session.

39 For the purposes of this section, "deputy sheriff" shall  
40 mean a person appointed by a sheriff as his deputy whose  
41 primary duty as such deputy is within the scope of active,  
42 general law enforcement and as such is authorized to  
43 carry deadly weapons, patrol the highways, perform police  
44 functions, make arrests or safeguard prisoners.

45 The bond described in this section is not required for  
46 deputy sheriffs if a county purchases professional liability  
47 insurance pursuant to the provisions of section three,  
48 article fourteen-a, chapter seven of this code.

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

*Paul Schover*  
.....  
Chairman Senate Committee.

*Nick Fantasia*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage

*Cassell Jones*  
.....  
Clerk of the Senate

*Bugoy M. Bor*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*John H. Kin*  
.....  
Speaker House of Delegates

The within *approved* this the *21st*  
*March*  
day of ....., 1998.

*John D. Anderson*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/98

Time 10:35 am