WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

House Bill No. 4129

(By Delegates Davis, Pettit, Stemple, Williams and Fletcher)

Passed March 11, 2000

In Effect Ninety Days from Passage
ENROLLED
H. B. 4129

(By Delegates Davis, Pettit, Stemple, Williams and Fletcher)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to sheriffs authorizing persons who were previously certified law-enforcement officers to carry deadly weapons in the duties of service of process for magistrate courts; and providing requirement of yearly weapons qualification and bonding by sheriff.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. COURTS AND OFFICERS.

§50-1-14. Duties of sheriff; service of process; bailiff.

(a) It shall be the duty of each sheriff to execute all civil and criminal process from any magistrate court which may be directed to such sheriff. Process shall be served in the same manner as provided by law for process from circuit courts.
Subject to the supervision of the chief justice of the supreme court of appeals or of the judge of the circuit court, or the chief judge thereof if there is more than one judge of the circuit court, it shall be the duty of the sheriff, or his or her designated deputy, to serve as bailiff of a magistrate court upon the request of the magistrate. Such service shall also be subject to such administrative rules as may be promulgated by the supreme court of appeals. A writ of mandamus shall lie on behalf of a magistrate to enforce the provisions of this section.

(b) The sheriff of any county may employ, by and with the consent of the county commission, one or more persons whose sole duties shall be the service of civil process and the service of subpoenas and subpoenas duces tecum. Any such person shall not be considered a deputy or deputy sheriff within the meaning of subdivision (2), subsection (a), section two, article fourteen, chapter seven of this code, nor shall any such person be authorized to carry deadly weapons in the performance of his or her duties: Provided, That the sheriff may authorize previously certified West Virginia law-enforcement officers to carry a deadly weapon in the performance of the duties of the officers under the provisions of this section: Provided, however, That these officers maintain yearly weapons qualifications and are bonded through the office of the sheriff.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In 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 ______ approved this the ______ day of ______

Governor

March 2000