

RECEIVED

3 MAR 20 PM 3:54

FILED IN WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

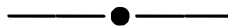
SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4129

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



Passed March 11, 2000

In Effect Ninety Days from Passage

RECEIVED

3 MAR 29 PM 3:54

TELETYPE UNIT
OFFICE OF THE CLERK

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.

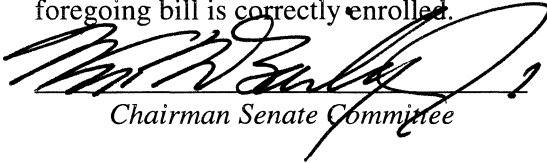
§50-1-14. Duties of sheriff; service of process; bailiff.

- 1 (a) It shall be the duty of each sheriff to execute all civil
- 2 and criminal process from any magistrate court which may be
- 3 directed to such sheriff. Process shall be served in the same
- 4 manner as provided by law for process from circuit courts.

5 Subject to the supervision of the chief justice of the
6 supreme court of appeals or of the judge of the circuit court, or
7 the chief judge thereof if there is more than one judge of the
8 circuit court, it shall be the duty of the sheriff, or his or her
9 designated deputy, to serve as bailiff of a magistrate court upon
10 the request of the magistrate. Such service shall also be subject
11 to such administrative rules as may be promulgated by the
12 supreme court of appeals. A writ of mandamus shall lie on
13 behalf of a magistrate to enforce the provisions of this section.

14 (b) The sheriff of any county may employ, by and with the
15 consent of the county commission, one or more persons whose
16 sole duties shall be the service of civil process and the service
17 of subpoenas and subpoenas duces tecum. Any such person
18 shall not be considered a deputy or deputy sheriff within the
19 meaning of subdivision (2), subsection (a), section two, article
20 fourteen, chapter seven of this code, nor shall any such person
21 be authorized to carry deadly weapons in the performance of his
22 or her duties: *Provided*, That the sheriff may authorize previ-
23 ously certified West Virginia law-enforcement officers to carry
24 a deadly weapon in the performance of the duties of the officers
25 under the provisions of this section: *Provided, however*, That
26 these officers maintain yearly weapons qualifications and are
27 bonded through the office of the sheriff.

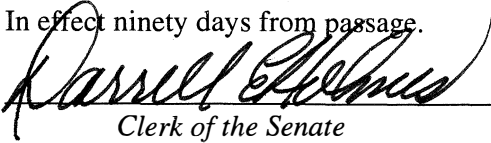
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

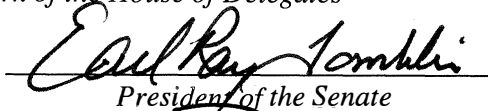

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

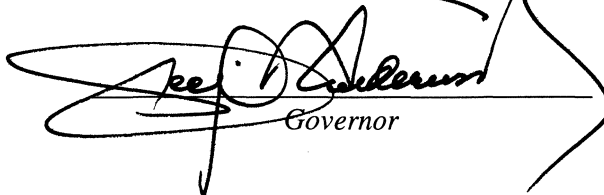

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within appealed this the 28th
day of March, 2000


Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/99

Time 3:45 pm