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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 2752

(By Delegates Lawrence, Staggers, Pasdon,
Crosier, Williams, Doyle, Fragale and Hall)



Passed March 12, 2011

In Effect Ninety Days From Passage

HB 2752

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H. B. 2752

(BY DELEGATES LAWRENCE, STAGGERS, PASDON,
CROSIER, WILLIAMS, DOYLE, FRAGALE AND HALL)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating to municipal police departments; increasing the maximum age for persons applying for examination for original appointment to an applicable municipal police civil system from thirty-five to forty years; and removing an unconstitutional residency requirement.

Be it enacted by the Legislature of West Virginia:

That §8-14-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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.

§8-14-12. Form of application; age and residency requirements; exceptions.

1 (a) The policemen's civil service commission in each
2 Class I and Class II city shall require a person applying for
3 admission to any competitive examination provided under the
4 civil service provisions of this article or under the
5 commission's rules to file in its office, within a reasonable
6 time prior to the proposed examination, a formal application
7 in which the applicant shall state under oath or affirmation:

8 (1) The applicant's full name, residence and post-office
9 address;

10 (2) The applicant's United States citizenship, age and the
11 place and date of the applicant's birth;

12 (3) The applicant's state of health and the applicant's
13 physical capacity for the public service;

14 (4) The applicant's business and employments and
15 residences for at least three previous years; and

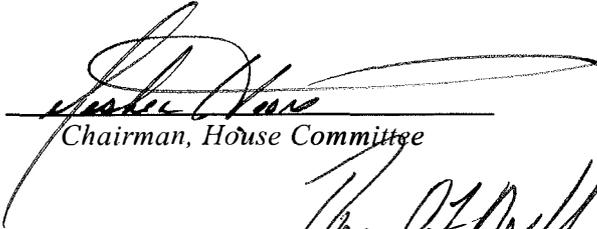
16 (5) Other information as may reasonably be required,
17 touching upon the applicant's qualifications and fitness for
18 the public service.

19 (b) Applications shall be furnished by the commission,
20 without charge. The commission may require, in connection
21 with the application, the certificates of citizens, physicians
22 and others, having pertinent knowledge concerning the
23 applicant, as the good of the service may require.

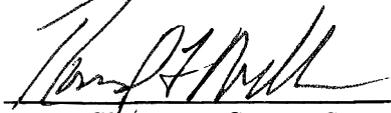
24 (c) Notwithstanding the provisions of article five, chapter
25 eleven of this code, a person may not submit an application
26 for original appointment if the person is less than eighteen
27 years of age or more than forty years of age at the date of the
28 individual's application.

29 (d) Notwithstanding the requirements established in this
30 section, if an applicant formerly served upon the paid police
31 department of the city to which he or she makes application,
32 for a period of more than his or her probationary period, and
33 resigned from the department at a time when there were no
34 charges of misconduct or other misfeasance pending against
35 the applicant, within a period of two years next preceding the
36 date of his or her application, and at the time of his or her
37 application resides within the corporate limits of the city in
38 which the paid police department to which the individual
39 seeks appointment by reinstatement is located, then the
40 individual shall be eligible for appointment by reinstatement
41 in the discretion of the policemen's civil service commission.
42 The applicant may be over the age of forty years. The
43 applicant, providing his or her former term of service so
44 justifies, may be appointed by reinstatement to the paid
45 police department without a competitive examination, but the
46 applicant shall undergo a medical examination. The applicant
47 shall be the lowest in rank in the department next above the
48 probationers of the department.

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



Chairman, House Committee



Chairman, Senate Committee

Originating in the House.

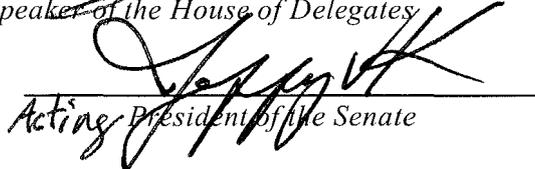
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COMPTROLLER GENERAL OF STATE


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


Acting President of the Senate

The within is approved this the 30th day of March, 2011.


Governor

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 2:33 pm