WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2752

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

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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.

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

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

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

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

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

(5) Other information as may reasonably be required, touching upon the applicant's qualifications and fitness for the public service.
(b) Applications shall be furnished by the commission, without charge. The commission may require, in connection with the application, the certificates of citizens, physicians and others, having pertinent knowledge concerning the applicant, as the good of the service may require.

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

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

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

Acting President of the Senate

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

Governor
PRESENTED TO THE GOVERNOR

Date: 28 2011

Time: 3:33