

HB 2717

FILED
2013 MAY -1 PM 4:02
SEN. J. W. STONE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2013



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2717

(By Delegate(s) Ashley, Skaff, Raines, Swartzmiller, Ferns,
Reynolds, Stowers, White, Miley and Walker)



Passed April 13, 2013

In effect July 1, 2013.

2013 MAY -1 PM 4: 02

SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2717

**(BY DELEGATES ASHLEY, SKAFF, RAINES, SWARTZMILLER, FERNS,
REYNOLDS, STOWERS, WHITE, MILEY AND WALKER)**

[Passed April 13, 2013; in effect July 1, 2013.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-7-14a, relating to requiring that sheriffs provide ballistic resistant vests to deputy sheriffs; providing standards for personal body armor; requiring payment of expenses by county commission; limiting the construction of provisions; and encouraging defrayment of expenses.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §7-7-14a, to read as follows:

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-14a. Personal body armor to be provided to deputy sheriffs; standards; payment of expenses thereof by county commission.

1 (a)(1) The sheriff of each county shall provide an item of
2 personal body armor commonly known as a ballistic resistant
3 vest to each of his or her deputy sheriffs, subject to the follow-
4 ing:

5 (A) Each of his or her deputy sheriffs who is so employed on
6 July 1, 2013 and who holds a valid law enforcement certification
7 issued under article twenty-nine, chapter thirty of this code on
8 that date, shall receive the vest on or within a reasonable time
9 after July 1, 2013;

10 (B) Each of his or her deputy sheriffs who is so employed on
11 July 1, 2013 and who is certifiable under the provisions of
12 section five, article twenty-nine, chapter thirty of this code on
13 that date, but who subsequently meets the requirements for
14 certification under that section, shall receive the vest on or
15 within a reasonable time after the date he or she is issued a valid
16 law enforcement certification;

17 (C) Each of his or her deputy sheriffs who is so employed on
18 a conditional basis on July 1, 2013 and who is not certified or
19 certifiable under the provisions of section five, article
20 twenty-nine, chapter thirty of this code on that date, but who
21 subsequently meets the requirements for certification under that
22 section, shall receive the vest on or within a reasonable time
23 after the date he or she is issued a valid law enforcement
24 certification;

25 (D) Each of his or her deputy sheriffs who is so employed
26 after July 1, 2013 and who holds a valid law enforcement
27 certification issued under article twenty-nine, chapter thirty of
28 this code on the date of his or her employment, shall receive the
29 vest on or within a reasonable time after July 1, 2013; or

30. . . (E) Each of his or her deputy sheriffs who is so employed
31 after July 1, 2013, and who is certifiable as described in para-
32 graph (B) of this subdivision on the date of employment, or who
33 is not certified or certifiable on the date of employment as
34 described in paragraph (C) of this subdivision on the date of
35 conditional employment, but who subsequently meets the
36 requirements for certification under section five, article
37 twenty-nine, chapter thirty of this code, shall receive the vest on
38 or within a reasonable time after the date he or she is issued a
39 valid law enforcement certification.

40 (2)(A) A ballistic resistant vest or other personal body armor
41 provided under this section or otherwise shall meet the minimum
42 performance standards for the ballistic resistance of personal
43 body armor established by Standards and Testing Program
44 sponsored by the Office of Science and Technology of the
45 National Institute of Justice (NIJ), Office of Justice Programs,
46 U.S. Department of Justice on the date the personal body armor
47 is provided.

48 (B) Notwithstanding any other provision of this section to
49 the contrary, no body armor model determined to be unsuitable
50 by the National Institute of Justice may be provided to any
51 deputy sheriff under the provisions of this section.

52 (3) A sheriff is not required to provide a ballistic resistant
53 vest or other model of personal body armor under this section to
54 a deputy sheriff where:

55 (A) The sheriff had provided personal body armor meeting
56 the standards established by this section prior to the date upon
57 which the sheriff would otherwise be required to provide it under
58 this section; or

59 (B) The deputy sheriff owns personal body armor meeting
60 the standards established by this section on the date upon which
61 the sheriff would otherwise be required to provide personal body

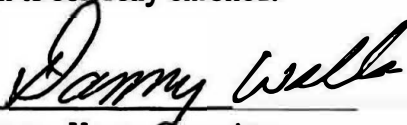
62 armor under this section and and elects in writing to decline
63 acceptance of the personal body armor that would be provided
64 under this section.

65 (b) The county commission of each county shall expend
66 from the general county fund, upon request and requisition by
67 the sheriff of the county, the necessary and proper expenses of
68 providing the personal body armor described in subsection (a) of
69 this section.

70 (c) No provision of this section may be construed to prevent
71 a county commission, in its discretion, from expending such
72 funds as may be necessary and proper to provide additional
73 ballistic resistant vests, ballistic resistance jackets or other
74 models of personal body armor equipment for the use of the
75 sheriff and his or her deputies, nor to in any manner limit a
76 sheriff from incurring actual and necessary expenses in the
77 discharge of his or her duties for any purpose specified under
78 section thirteen of this article.

79 (d) Each county commission and sheriff is encouraged to
80 seek available federal and other lawful funds or assistance to
81 defray the expenses incurred under this section.

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



Chairman, House Committee

Member 
Chairman, Senate Committee

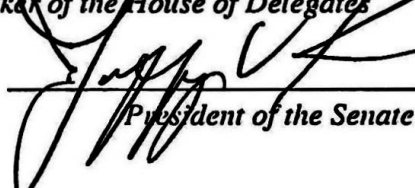
Originating in the House.

In effect July 1, 2013.


Clerk of the House of Delegates


Clerk of the Senate


Speaker of the House of Delegates


President of the Senate

The within is approved this the 1st
day of May, 2013.


Governor

PRESENTED TO THE GOVERNOR

APR 25 2013

Time 11:40 am