# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

### Enrolled

# Senate Bill 281

BY SENATORS WOELFEL, PLYMALE, AND PALUMBO

[Passed February 28, 2020; in effect 90 days from passage]

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1    AN ACT to amend and reenact §8-14-12 of the Code of West Virginia, 1931, as amended, relating

2         to removing the residency requirement for persons applying for reappointment to a

3         municipal police department.

*Be it enacted by the Legislature of West Virginia:*

## 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 Class I and Class II city shall require

2    a person applying for admission to any competitive examination provided under the civil service

3    provisions of this article or under the commission's rules to file in its office, within a reasonable

4    time prior to the proposed examination, a formal application in which the applicant shall state

5    under oath or affirmation:

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

7    (2) The applicant's United States citizenship, age, and the place and date of the applicant's

8    birth;

9    (3) The applicant's state of health and the applicant's physical capacity for the public

10    service;

11    (4) The applicant's business and employments and residences for at least three previous

12    years; and

13    (5) Other information as may reasonably be required, touching upon the applicant's

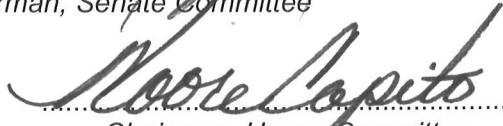14    qualifications and fitness for the public service.

15       (b) Applications shall be furnished by the commission, without charge. The commission

16    may require, in connection with the application, the certificates of citizens, physicians, and others,

17    having pertinent knowledge concerning the applicant, as the good of the service may require.

18       (c) Notwithstanding the provisions of §11-5-1 *et seq.* of this code, a person may not submit

19    an application for original appointment if the person is less than 18 years of age or more than 40

20    years of age at the date of the individual's application.

21       (d) Notwithstanding the requirements established in this section, if an applicant: (1)

22    Formerly served upon the paid police department of the city to which he or she makes application,

23    for a period of more than his or her probationary period; (2) resigned from the department at a

24    time when there were no charges of misconduct or other misfeasance pending against the

25    applicant; and (3) applies for appointment by reinstatement within a period of two years from the

26    date of resignation from the paid police department to which the individual seeks appointment by

27    reinstatement, then the individual is eligible for appointment by reinstatement in the discretion of

28    the policemen's civil service commission. The applicant may be over the age of 40 years. The

29    applicant, providing his or her former term of service so justifies, may be appointed by

30    reinstatement to the paid police department without a competitive examination, but the applicant

31    shall undergo a medical examination. The applicant shall be the lowest in rank in the department

32    next above the probationers of the department.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.
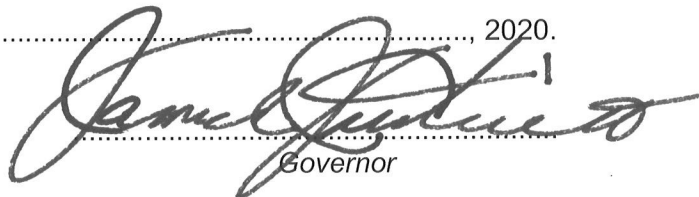
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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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The within ..... is approved ..... this the ..... 24th .....

Day of ..... March ..... , 2020.

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Governor