

H. B. 3142

1
2
3
4
5
6
7
8
9

(By Delegates Manchin, Longstreth, Caputo,
White, M. Poling, Miley and Barill)
[Introduced February 15, 2011; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §50-1-9a of the Code of West Virginia,
1931, as amended, relating to increasing the allowable number
of magistrate court deputy clerks by five.

Be it enacted by the Legislature of West Virginia:

That §50-1-9a of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-9a. Magistrate court deputy clerks; duties; salary.

(a) Whenever required by workload and upon the recommendation
of the judge of the circuit court, or the chief judge of the
circuit court if there is more than one judge of the circuit court,
the Supreme Court of Appeals may, by rule, provide for the
appointment of magistrate court deputy clerks, not to exceed
~~seventy-two~~ seventy-seven in number. The magistrate court deputy
clerks shall be appointed by the judge of the circuit court, or the
chief judge if there is more than one judge of the circuit court,
to serve at his or her will and pleasure under the immediate
supervision of the magistrate court clerk.

(b) Magistrate court deputy clerks ~~shall~~ have the duties,

1 clerical or otherwise, as may be assigned by the magistrate court
2 clerk and as may be prescribed by the rules of the Supreme Court of
3 Appeals or the judge of the circuit court or the chief judge if
4 there is more than one judge of the circuit court. Magistrate
5 court deputy clerks may also exercise the power and perform the
6 duties of the magistrate court clerk as may be delegated or
7 assigned by the magistrate court clerk.

8 (c) A magistrate court deputy clerk may not be an immediate
9 family member of any magistrate, magistrate court clerk, magistrate
10 assistant or judge of the circuit court within the same county, may
11 not have been convicted of a felony or any misdemeanor involving
12 moral turpitude and must reside in this state. For purposes of
13 this subsection, "immediate family member" means a mother, father,
14 sister, brother, child or spouse.

15 (d) Magistrate court deputy clerks shall be paid an annual
16 salary by the state on the same basis and in the same amounts
17 established for magistrate assistants in each county, as provided
18 in section nine of this article.

NOTE: The purpose of this bill is to increase the allowable
number of magistrate court deputy clerks by five.

Strike-throughs indicate language that would be stricken from
the present law, and underscoring indicates new language that would
be added.