

1 **H. B. 3176**

2
3 (By Delegates Barill, Butcher, D. Campbell,
4 Caputo, Crosier, Fleischauer, Frazier, Manchin,
5 Marshall, Moore and Pasdon)

6 [Introduced February 17, 2011; referred to the
7 Committee on the Judiciary then Finance.]

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10 A BILL to amend and reenact §50-1-2 of the Code of West Virginia,
11 1931, as amended, relating to adding a magistrate to
12 Monongalia County.

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

14 That §50-1-2 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 1. COURTS AND OFFICERS.**

17 **§50-1-2. Number of magistrates.**

18 (a) The number of magistrates to be elected in each county of
19 this state shall be determined in accordance with the provisions of
20 this section.

21 (b) The number of magistrates serving in each county of the
22 state shall comport with the numbers certified by the Supreme Court
23 of Appeals to the ballot commissioners of each county on or before
24 January 31, 2000, for purposes of the primary and general elections
25 to be held in the year 2000.

26 (c)(1) The Legislature finds that there exists among the
27 various counties large and unwarranted disparities of caseload

1 between the magistrate courts. The Legislature further finds that
2 the disparity causes an inequity with regard to magistrate court
3 resources and the ability of the courts to effectively meet the
4 needs of the citizens of this state who need to avail themselves of
5 this judicial resource. The Legislature further finds that the
6 system currently in place for allocating magistrate court resources
7 which has been in effect since the year 1991 produces certain
8 anomalies which cause quadrennial reallocation of magistrate
9 resources based upon said anomalies which in turn cause a waste of
10 funds, inequitable workloads, unnecessary shifting of resources and
11 confusion among the various counties.

12 (2) The Office of Legislative Services is hereby directed to
13 undertake a comprehensive study of the magistrate courts of the
14 various counties to determine, among other things, the work
15 performed by various personnel in the magistrate court system, how
16 work time is spent by said employees and to report its findings no
17 later than December 10, 2001, to the Joint Standing Committee on
18 the Judiciary.

19 (3) The Division of Criminal Justice and Highway Safety shall,
20 in conjunction with the administrative office of the West Virginia
21 Supreme Court of Appeals, compile for consideration by the
22 Legislature statistical information and documentation regarding
23 caseloads, cases handled per year per magistrate, cases per county
24 and cases per circuit and provide to the President of the Senate
25 and the Speaker of the House of Delegates no later than the first
26 day of the 2002 regular session of the Legislature, their

1 recommendations for improving the magistrate process and better
2 utilization of court resources, including, but not limited to,
3 categorizing the various types of cases heard in magistrate court
4 and developing a new weighted formula to evaluate types of cases by
5 the amount of time necessary to bring said cases to a resolution.

6 (d) Notwithstanding the other provisions of this section, the
7 allowable number of magistrates serving the counties of Berkeley
8 and Nicholas on March 1, 2001, shall be increased by one in each
9 county, effective July 1, 2001. The initial appointment to the
10 position shall be made in accordance with the provisions of section
11 six of this article.

12 (e) Notwithstanding the other provisions of this section, the
13 allowable number of magistrates serving Monongalia County on April
14 1, 2011, shall be increased by one, effective July 1, 2011. The
15 initial appointment to the position shall be made in accordance
16 with the provisions of section six of this article.

NOTE: The purpose of this bill is to increase the number of magistrates in Monongalia County by one.

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