

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3142**

4 (By Delegates Manchin, Longstreth, Caputo,  
5 Miley and Barill)

6 (Originating in the Committee on Finance)

7 [February 23, 2012]

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10 A BILL to amend and reenact §50-1-9a of the Code of West Virginia,  
11 1931, as amended, relating to increasing the allowable number  
12 of magistrate court deputy clerks by six.

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

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

18 (a) Whenever required by workload and upon the recommendation  
19 of the judge of the circuit court, or the chief judge of the  
20 circuit court if there is more than one judge of the circuit court,  
21 the Supreme Court of Appeals may, by rule, provide for the  
22 appointment of magistrate court deputy clerks, not to exceed  
23 seventy-two in number: Provided, That beginning on July 1, 2012,  
24 the Supreme Court of Appeals may, by rule, provide for the  
25 appointment of magistrate court deputy clerks, not to exceed  
26 seveny-eight in number. The magistrate court deputy clerks shall

1 be appointed by the judge of the circuit court, or the chief judge  
2 if there is more than one judge of the circuit court, to serve at  
3 his or her will and pleasure under the immediate supervision of the  
4 magistrate court clerk.

5 (b) Magistrate court deputy clerks ~~shall~~ have the duties,  
6 clerical or otherwise, as may be assigned by the magistrate court  
7 clerk and as may be prescribed by the rules of the Supreme Court of  
8 Appeals or the judge of the circuit court or the chief judge if  
9 there is more than one judge of the circuit court. Magistrate  
10 court deputy clerks may also exercise the power and perform the  
11 duties of the magistrate court clerk as may be delegated or  
12 assigned by the magistrate court clerk.

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

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