

1 **H. B. 4131**

2
3 (By Delegates Howell, Rowan, Evans and Miley)
4 [Introduced January 19, 2012; referred to the
5 Committee on the Judiciary then Finance.]
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**FISCAL
NOTE**

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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 creating a magistrate court
12 deputy clerk for Mineral county.

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. The magistrate court deputy clerks shall be

1 appointed by the judge of the circuit court, or the chief judge if
2 there is more than one judge of the circuit court, to serve at his
3 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 © 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.

24 (e) There is hereby created, effective July 1, 2012, a

1 magistrate court deputy clerk for Mineral County.

NOTE: The purpose of this bill is to create a magistrate court deputy clerk for Mineral County.

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