

COMMITTEE SUBSTITUTE

FOR

**H. B. 3142**

---

(BY DELEGATES MANCHIN, LONGSTRETH,  
CAPUTO, MILEY AND BARILL)

---

(Originating in the Committee on Finance)  
[February 23, 2012]

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 six.

*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.**

- 1       (a) Whenever required by workload and upon the
- 2       recommendation of the judge of the circuit court, or the chief

3 judge of the circuit court if there is more than one judge of  
4 the circuit court, the Supreme Court of Appeals may, by rule,  
5 provide for the appointment of magistrate court deputy  
6 clerks, not to exceed seventy-two in number: Provided, That  
7 beginning on July 1, 2012, the Supreme Court of Appeals  
8 may, by rule, provide for the appointment of magistrate court  
9 deputy clerks, not to exceed seventy-eight in number. The  
10 magistrate court deputy clerks shall be appointed by the  
11 judge of the circuit court, or the chief judge if there is more  
12 than one judge of the circuit court, to serve at his or her will  
13 and pleasure under the immediate supervision of the  
14 magistrate court clerk.

15 (b) Magistrate court deputy clerks ~~shall~~ have the duties,  
16 clerical or otherwise, as may be assigned by the magistrate  
17 court clerk and as may be prescribed by the rules of the  
18 Supreme Court of Appeals or the judge of the circuit court or  
19 the chief judge if there is more than one judge of the circuit  
20 court. Magistrate court deputy clerks may also exercise the  
21 power and perform the duties of the magistrate court clerk as  
22 may be delegated or assigned by the magistrate court clerk.

23 (c) A magistrate court deputy clerk may not be an  
24 immediate family member of any magistrate, magistrate court  
25 clerk, magistrate assistant or judge of the circuit court within  
26 the same county, may not have been convicted of a felony or  
27 any misdemeanor involving moral turpitude and must reside  
28 in this state. For purposes of this subsection, “immediate  
29 family member” means a mother, father, sister, brother, child  
30 or spouse.

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