

H. B. 2786

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(By Delegates Miley, Skinner, Manchin,
Hunt and Barill)

(By request of the Supreme Court of Appeals)

[Introduced March 1, 2013; 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 ten.

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 in number: Provided, That beginning on July 1, 2013,
the Supreme Court of Appeals may, by rule, provide for the

1 appointment of magistrate court deputy clerks, not to exceed
2 eighty-two in number. The magistrate court deputy clerks shall be
3 appointed by the judge of the circuit court, or the chief judge if
4 there is more than one judge of the circuit court, to serve at his
5 or her will and pleasure under the immediate supervision of the
6 magistrate court clerk.

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

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

22 (d) Magistrate court deputy clerks shall be paid an annual
23 salary by the state on the same basis and in the same amounts
24 established for magistrate assistants in each county, as provided

1 in section nine of this article.

NOTE: The purpose of this bill is to increase the allowable number of magistrate court deputy clerks from seventy-two to eighty-two.

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