

**H. B. 2683**

(By Delegate P. Smith)

[Introduced February 10, 2015; 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 adding an additional magistrate court deputy clerk position for Lewis County.

*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. The magistrate court deputy clerks shall be appointed  
by the judge of the circuit court, or the chief judge if there is more than one judge of the circuit court,  
to serve at his or her will and pleasure under the immediate supervision of the magistrate court clerk.

1 (b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be  
2 assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme Court  
3 of Appeals or the judge of the circuit court or the chief judge if there is more than one judge of the  
4 circuit court. Magistrate court deputy clerks may also exercise the power and perform the duties of  
5 the magistrate court clerk as may be delegated or assigned by the magistrate court clerk.

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

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

14 (e) Notwithstanding any provision of this code to the contrary, the amendments made to  
15 section nine of this article during the 2013 First Extraordinary Session, and the effects of those  
16 amendments on subsection (d) of this section, are effective upon passage and are retroactive to  
17 January 1, 2013.

18 (f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is  
19 \$39,348. After the effective date of this section, a general salary increase granted to state employees,  
20 whose salaries are not set by statute, expressed as a percentage increase or an across-the-board  
21 increase, may also be granted to magistrate court deputy clerks.

22 (g) Notwithstanding the limit in subsection (a) of this section, effective July 1, 2015, there

1 is created an additional magistrate court deputy clerk position for Lewis County.

NOTE: The purpose of this bill is to create an additional magistrate court deputy clerk position for Lewis County.

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