

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2133**

BY DELEGATE CAPUTO

[Introduced January 9, 2019; Referred  
to the Committee on Political Subdivisions then the  
Judiciary. ]

1 A BILL to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating  
2 to creating an additional magistrate court deputy clerk position for Marion County.

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

## **ARTICLE 1. COURTS AND OFFICERS.**

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

1 (a) Whenever required by workload and upon the recommendation of the judge of the  
2 circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit  
3 court, the Supreme Court of Appeals may, by rule, provide for the appointment of magistrate court  
4 deputy clerks, not to exceed 72 in number. The magistrate court deputy clerks shall be appointed  
5 by the judge of the circuit court, or the chief judge if there is more than one judge of the circuit  
6 court, to serve at his or her will and pleasure under the immediate supervision of the magistrate  
7 court clerk.

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

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

18 (d) Magistrate court deputy clerks shall be paid an annual salary by the state on the same  
19 basis and in the same amounts established for magistrate assistants in each county, as provided  
20 in §50-1-9 of this code.

21 (e) Notwithstanding any provision of this code to the contrary, the amendments made to  
22 §50-1-9 of this code during the 2013 First Extraordinary Session, and the effects of those  
23 amendments on §50-1-9a(d) of this code, are effective upon passage and are retroactive to  
24 January 1, 2013.

25 (f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is  
26 \$39,348. After the effective date of this section, a general salary increase granted to state  
27 employees, whose salaries are not set by statute, expressed as a percentage increase or an  
28 across-the-board increase, may also be granted to magistrate court deputy clerks.

29 (g) Notwithstanding the limit in §50-1-9a(a) of this code, there is created, effective July 1,  
30 2019, an additional magistrate court deputy clerk position for Marion County.

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

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