

FILED

2001 JUN 15 P 4: 48

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

3rd Extraordinary Session, 2001

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ENROLLED

SENATE BILL NO. 3001

(By Senators Tomblin, Mr. President, and  
Sprouse, By Request of the Executive)

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PASSED June 10, 2001

In Effect from Passage

FILED

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SECRETARY OF STATE

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**Senate Bill No. 3001**

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,  
BY REQUEST OF THE EXECUTIVE)

[Passed June 10, 2001; in effect from passage.]

AN ACT to amend and reenact section nine-a, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the number of magistrate court deputy clerks authorized for appointment to office.

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

That section nine-a, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, 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
- 3 chief judge of the circuit court if there is more than one

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OFFICE OF THE CLERK  
OF THE SUPREME COURT  
OF THE STATE OF VIRGINIA

4 judge of the circuit court, the supreme court of appeals  
5 may, by rule, provide for the appointment of magistrate  
6 court deputy clerks, not to exceed sixty-two in number.  
7 The magistrate court deputy clerks shall be appointed by  
8 the judge of the circuit court, or the chief judge if there is  
9 more than one judge of the circuit court, to serve at his or  
10 her will and pleasure under the immediate supervision of  
11 the magistrate court clerk.

12 (b) Magistrate court deputy clerks shall have the duties,  
13 clerical or otherwise, as may be assigned by the magistrate  
14 court clerk and as may be prescribed by the rules of the  
15 supreme court of appeals or the judge of the circuit court  
16 or the chief judge if there is more than one judge of the  
17 circuit court. Magistrate court deputy clerks may also  
18 exercise the power and perform the duties of the magis-  
19 trate court clerk as may be delegated or assigned by the  
20 magistrate court clerk.

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten Signature]*

.....  
Chairman Senate Committee

*[Handwritten Signature]*

.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*[Handwritten Signature]*  
.....  
Assistant Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within *is* approved this the *15<sup>th</sup>*  
Day of *June*, 2001.

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 6/13/01

Time 2:55pm