

FILED

2001 APR -3 A 10: 22

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

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**ENROLLED**

SENATE BILL NO. 261

(By Senator Bowman)

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PASSED March 22, 2001

In Effect 90 days from **Passage**

FILED

2001 MAY -2 P 10:42

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

**Senate Bill No. 265**

(BY SENATORS ROWE, MCCABE, MITCHELL, BURNETTE,  
HUNTER, LOVE AND CALDWELL)

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[Passed April 12, 2001; in effect ninety days from passage.]

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AN ACT to amend article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-four, relating to permitting the sheriff to commence civil actions in his or her official capacity or on behalf of the county government without the payment of filing fees, costs, security or bond otherwise required of other civil litigants; and upon successful recovery of the costs by the sheriff, he or she shall remit them to the appropriate official.

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

That article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-four, to read as follows:

**ARTICLE 5. FISCAL AFFAIRS.**

FILED

§7-5-24. Sheriff may commence civil action without paying fees and costs; fees and costs recoverable from defendants after completion of litigation.

1 The sheriff will not be required to pay any filing fee,  
2 cost, bond or security, as may otherwise be required of  
3 other civil litigants by provisions of this code, in any  
4 action in which the sheriff commences the action in his or  
5 her official capacity or on behalf of the county govern-  
6 ment: *Provided*, That where the sheriff or county govern-  
7 ment prevails in the action and any filing fees, costs, bond  
8 or security are recovered from the opposing party, the  
9 sheriff shall pay therefrom the fees, costs, bond or security  
10 to the officer who otherwise would have been entitled  
11 thereto but for the provisions of this section.

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

*Gregg / Anne*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*David Holmes*  
.....  
Clerk of the Senate

*Suzanne D. Boy*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

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

The within *is approved* ..... this the *2nd* .....

Day of *May* ..... 2001.

*Bob Wise*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

4/24/01

Time

11:10 am