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2001 APR 17 P 5:34

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 514

(By Senator Burnette, et al)

PASSED April 11, 2001

In Effect July 1, 2001 Passage

FILED

2001 APR 17 P 5: 34

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 516

(BY SENATORS BURNETTE, LOVE, MITCHELL AND ROSS)

[Passed April 11, 2001; to take effect July 1, 2001.]

AN ACT to amend and reenact section two, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to adding magistrates to those serving Berkeley and Nicholas Counties.

Be it enacted by the Legislature of West Virginia:

That section two, 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.

§50-1-2. Number of magistrates.

1 (a) The number of magistrates to be elected in each
2 county of this state shall be determined in accordance with
3 the provisions of this section.

4 (b) The number of magistrates serving in each county of
5 the state shall comport with the numbers certified by the

6 supreme court of appeals to the ballot commissioners of
7 each county on or before the thirty-first day of January,
8 two thousand, for purposes of the primary and general
9 elections to be held in the year two thousand.

10 (c) (1) The Legislature finds that there exists among the
11 various counties large and unwarranted disparities of
12 caseload between the magistrate courts. The Legislature
13 further finds that the disparity causes an inequity with
14 regard to magistrate court resources and the ability of the
15 courts to effectively meet the needs of the citizens of this
16 state who need to avail themselves of this judicial re-
17 source. The Legislature further finds that the system
18 currently in place for allocating magistrate court resources
19 which has been in effect since the year one thousand nine
20 hundred ninety-one produces certain anomalies which
21 cause quadrennial reallocation of magistrate resources
22 based upon said anomalies which in turn cause a waste of
23 funds, inequitable workloads, unnecessary shifting of
24 resources and confusion among the various counties.

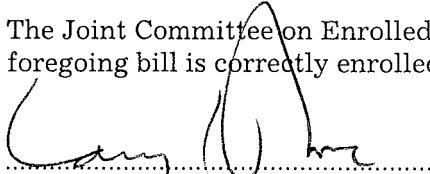
25 (2) The office of legislative services is hereby directed to
26 undertake a comprehensive study of the magistrate courts
27 of the various counties to determine, among other things,
28 the work performed by various personnel in the magistrate
29 court system, how work time is spent by said employees
30 and to report its findings no later than the tenth day of
31 December, two thousand one, to the joint standing com-
32 mittee on the judiciary.

33 (3) The division of criminal justice and highway safety
34 shall, in conjunction with the administrative office of the
35 West Virginia supreme court of appeals, compile for
36 consideration by the Legislature statistical information
37 and documentation regarding caseloads, cases handled per
38 year per magistrate, cases per county, cases per circuit and
39 provide to the president of the Senate and the speaker of
40 the House of Delegates no later than the first day of the
41 regular session of the Legislature, two thousand two, their
42 recommendations for improving the magistrate process,

43 better utilization of court resources, including, but not
44 limited to, categorizing the various types of cases heard in
45 magistrate court and developing a new weighted formula
46 to evaluate types of cases by the amount of time necessary
47 to bring said cases to a resolution.

48 (d) Notwithstanding the other provisions of this section,
49 the allowable number of magistrates serving the counties
50 of Berkeley and Nicholas on the first day of March, two
51 thousand one, shall be increased by one in each county,
52 effective the first day of July, two thousand one. The
53 initial appointment to the position shall be made in
54 accordance with the provisions of section six of this
55 article.

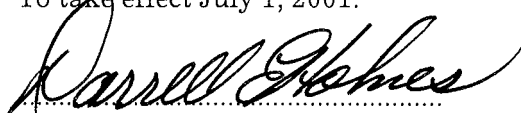
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

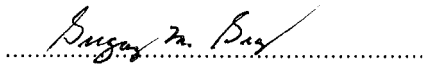

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Chairman Senate Committee

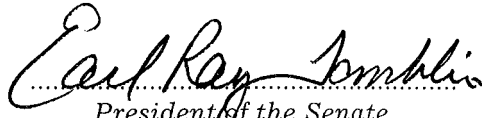

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Chairman House Committee

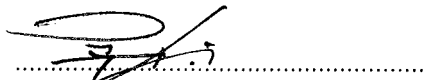
Originated in the Senate.

To take effect July 1, 2001.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 17th
Day of April, 2001.


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Governor

PRESENTED TO THE
GOVERNOR

Date 4/16/01

Time 6:30