

FILED

2001 MAY -1 P 6: 59

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session 2001*

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**ENROLLED**

SENATE BILL NO. 688

(By Senators Chapin and Kessler )

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PASSED April 14, 2001

In Effect 90 days from Passage

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**Senate Bill No. 688**

(BY SENATORS CHAFIN AND KESSLER)

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[Passed April 14, 2001; in effect ninety days from passage.]

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AN ACT to amend and reenact section two, article three, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the amount of costs to be collected in criminal proceedings in magistrate court; mandating the use of the increase; and extending the time in which incarcerated persons may pay costs and fines.

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

That section two, article three, 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 3. COSTS, FINES AND RECORDS.**

**§50-3-2. Costs in criminal proceedings.**

- 1 (a) In each criminal case before a magistrate court in
- 2 which the defendant is convicted, whether by plea or at
- 3 trial, there is imposed, in addition to other costs, fines,
- 4 forfeitures or penalties as may be allowed by law: (1)
- 5 Costs in the amount of fifty-five dollars; and (2) an amount

6 equal to the one-day per diem provided for in subsection  
7 (h), section ten, article twenty, chapter thirty-one of this  
8 code. A magistrate may not collect costs in advance.  
9 Notwithstanding any other provision of this code, a person  
10 liable for fines and court costs in a criminal proceeding in  
11 which the defendant is confined in a jail or prison and not  
12 participating in a work release program shall not be held  
13 liable for the fines and court costs until ninety days after  
14 completion of the term in jail or prison. A magistrate  
15 court shall deposit five dollars from each of the criminal  
16 proceedings fees collected pursuant to this section in the  
17 court security fund created in section fourteen, article  
18 three, chapter fifty-one of this code. A magistrate court  
19 shall, on or before the tenth day of the month following the  
20 month in which the fees imposed in this section were  
21 collected, remit an amount equal to the one-day per diem  
22 provided for in subsection (h), section ten, article twenty,  
23 chapter thirty-one of this code from each of the criminal  
24 proceedings in which the fees specified in this section were  
25 collected to the magistrate court clerk or if there is no  
26 magistrate court clerk to the clerk of the circuit, together  
27 with information as may be required by the rules of the  
28 supreme court of appeals and the rules of the office of  
29 chief inspector. These moneys are paid to the sheriff who  
30 shall distribute the moneys solely in accordance with the  
31 provisions of section fifteen, article five, chapter seven of  
32 this code. Amendments made to this section during the  
33 regular session of the Legislature, two thousand one, are  
34 effective after the thirtieth day of June, two thousand one.

35 (b) A magistrate shall assess costs in the amount of two  
36 dollars and fifty cents for issuing a sheep warrant and the  
37 appointment and swearing appraisers and docketing the  
38 proceedings.

39 (c) In each criminal case which must be tried by the  
40 circuit court but in which a magistrate renders some  
41 service, costs in the amount of ten dollars shall be imposed  
42 by the magistrate court and is certified to the clerk of the

43 circuit court in accordance with the provisions of section  
44 six, article five, chapter sixty-two of this code.

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

*Carolyn M. Murr*  
.....  
Chairman Senate Committee

*J. J. Poyner*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Harrell G. Baker*  
.....  
Clerk of the Senate

*Benny M. Box*  
.....  
Clerk of the House of Delegates

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

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

The within *is approved* this the *30<sup>th</sup>*  
Day of *April*, 2001.  
*Bob Wise*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/01

Time 3:00pm