

FILED

JUN 19 2003

IN THE OFFICE OF  
JOE MANCHIN III  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Second Extraordinary Session, 2003

—●—  
**ENROLLED**

SENATE BILL NO. 2011

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

—●—  
PASSED JUNE 14, 2003

In Effect from Passage

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**Senate Bill No. 2011**

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

[Passed June 14, 2003; in effect from passage.]

AN ACT to amend and reenact section seven, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section twenty-six, article three, chapter eleven-a of said code; to amend and reenact sections one and two, article three, chapter fifty of said code; to amend and reenact sections ten, eleven and twenty-eight-a, article one, chapter fifty-nine of said code; to amend and reenact section seventeen, article two of said chapter; and to amend and reenact section four, article seven, chapter sixty-one of said code, all relating to increasing certain county clerk, circuit clerk, assessor, sheriff, prosecuting attorney and magistrate court fees; and dedicating those fee increases to the courthouse facilities improvement fund and to the special revenue account to provide legal services to domestic violence victims.

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

That section seven, article one-c, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section twenty-six, article three, chapter eleven-a of said code be amended and reenacted; that sections one and two, article three, chapter fifty of said code be amended and reenacted; that sections ten, eleven and twenty-eight-a, article one, chapter fifty-nine of said code be amended and reenacted; that section seventeen, article two of said chapter be amended and reenacted; and that section four, article seven, chapter sixty-one of said code be amended and reenacted, all to read as follows:

## **CHAPTER 11. TAXATION.**

### **ARTICLE 1C. FAIR AND EQUITABLE PROPERTY VALUATION.**

#### **§11-1C-7. Duties of county assessors; property to be appraised at fair market value; exceptions; initial equalization; valuation plan.**

1 (a) Except for property appraised by the state tax  
2 commissioner under section ten of this article and property  
3 appraised and assessed under article six of this chapter, all  
4 assessors shall, within three years of the approval of the  
5 county valuation plan required pursuant to this section,  
6 appraise all real and personal property in their jurisdiction  
7 at fair market value except for special valuation provided  
8 for farmland and managed timberland. They shall utilize  
9 the procedures and methodologies established by the  
10 property valuation training and procedures commission  
11 and the valuation system established by the tax commis-  
12 sioner.

13 (b) In determining the fair market value of the property  
14 in their jurisdictions, assessors may use as an aid to  
15 valuation any information available on the character and  
16 values of such property, including, but not limited to, the  
17 updated information found on any statewide electronic  
18 data processing system network established pursuant to  
19 section twenty-one, article one-a of this chapter. Valua-  
20 tions shall not be based exclusively on such statewide

21 electronic data processing system network and usage of  
22 the information on such files as an aid to proper valuation  
23 shall not constitute an implementation of the statewide  
24 mass reappraisal of property.

25 (c) Before beginning the valuation process, each assessor  
26 shall develop a county valuation plan for using informa-  
27 tion currently available, for checking its accuracy and for  
28 correcting any errors found. The plan must be submitted  
29 to the tax commissioner on or before the first day of  
30 December, one thousand nine hundred ninety, for review  
31 and approval and such plan must be revised as necessary  
32 and resubmitted every three years thereafter. Whenever a  
33 plan is submitted to the tax commissioner, a copy shall  
34 also be submitted to the county commission of that county  
35 and the property valuation training and procedures  
36 commission and that county commission and the property  
37 valuation training and procedures commission may  
38 forward comments to the tax commissioner. The tax  
39 commissioner shall respond to any plan submitted or  
40 resubmitted within sixty days of its receipt. The valuation  
41 process shall not begin nor shall funds provided in section  
42 eight of this article be available until the plan has received  
43 approval by the tax commissioner: *Provided*, That any  
44 initial plan that has not received approval by the commis-  
45 sioner prior to the first day of May, one thousand nine  
46 hundred ninety-one, shall be submitted on or by such date  
47 to the valuation commission for resolution prior to the  
48 first day of July, one thousand nine hundred ninety-one,  
49 by which date all counties shall have an approved valua-  
50 tion plan in effect.

51 (d) Upon approval of the valuation plan, the assessor  
52 shall immediately begin implementation of the valuation  
53 process. Any change in value discovered subsequent to the  
54 certification of values by the assessor to the county  
55 commission, acting as the board of equalization and  
56 review, in any given year shall be placed upon the property  
57 books for the next certification of values: *Provided*, That

58 notwithstanding any other provision of this code to the  
59 contrary, the property valuation training and procedures  
60 commission may authorize the tax commissioner to  
61 approve a valuation plan and the board of public works to  
62 submit such a plan which would permit the placement of  
63 proportionately uniform percentage changes in values on  
64 the books that estimate the percentage difference between  
65 the current assessed value and sixty percent of the fair  
66 market value for classes or identified subclasses of prop-  
67 erty and distribute the change between the two tax years  
68 preceding the tax year beginning on the first day of July,  
69 one thousand nine hundred ninety-three. This procedure  
70 may be used in lieu of placing individual values on the  
71 books at sixty percent of value as discovered or may be in  
72 addition to such valuation. If such procedure is adopted  
73 by a county, then property whose reevaluation is the  
74 responsibility of the board of public works and the state  
75 tax commissioner shall have its values estimated and  
76 placed on the books in like manner. Such estimates shall  
77 be based on the best information obtained by the assessor,  
78 the board of public works and the tax commissioner and  
79 the changes shall move those values substantially toward  
80 sixty percent of fair market value, such sixty percent to be  
81 reached on or before the first day of July, one thousand  
82 nine hundred ninety-three.

83 (e) (1) The county assessor shall establish and maintain  
84 as official records of the county tax maps of the entire  
85 county drawn to scale or aerial maps, which maps shall  
86 indicate all property and lot lines, set forth dimensions or  
87 areas, indicate whether the land is improved and identify  
88 the respective parcels or lots by a system of numbers or  
89 symbols and numbers, whereby the ownership of such  
90 parcels and lots can be ascertained by reference to the  
91 appropriate records: *Provided*, That all such records shall  
92 be established and maintained and the sale or reproduc-  
93 tion of microfilm, photography and maps shall be in  
94 accordance with legislative rules promulgated by the  
95 commission.

96 (2) The following fees apply in addition to any fee  
97 charged by the assessor or the map sales unit of the  
98 property tax division of the department of revenue for the  
99 sale or reproduction of microfilm, photography and maps  
100 pursuant to the legislative rules referenced in subdivision  
101 (1) of this subsection:

102 (A) For a full map sheet, an additional fee of three  
103 dollars per copy shall be charged, which shall be deposited  
104 in the courthouse facilities improvement fund created by  
105 section six, article twenty-six, chapter twenty-nine of this  
106 code;

107 (B) For a parcel reproduction on 8 ½ x 11" or 8 ½ x 14"  
108 paper, an additional fee of one dollar and fifty cents per  
109 copy shall be charged, which shall be deposited in the  
110 courthouse facilities improvement fund created by section  
111 six, article twenty-six, chapter twenty-nine of this code;  
112 and

113 (C) For all other map sizes, an additional fee of two  
114 dollars per copy shall be charged, which shall be deposited  
115 in the courthouse facilities improvement fund created by  
116 section six, article twenty-six, chapter twenty-nine of this  
117 code.

118 (f) Willing and knowing refusal of the assessor or the  
119 county commission to comply with and effect the provi-  
120 sions of this article, or to correct any deficiencies as may  
121 be ordered by the tax commissioner with the concurrence  
122 of the valuation commission under any authority granted  
123 pursuant to this article or other provisions of this code,  
124 shall constitute grounds for removal from office. Such  
125 removal may be appealed to the circuit court.

## **CHAPTER 11A. COLLECTION AND ENFORCEMENT OF PROPERTY TAXES.**

### **ARTICLE 3. SALE OF TAX LIENS AND NONENTERED, ESCHEATED AND WASTE AND UNAPPROPRIATED LANDS.**

**§11A-3-26. Certificate of redemption issued by clerk; recordation; disposition of redemption money.**

1 (a) Upon payment of the sum necessary to redeem, the  
2 clerk shall execute a certificate of redemption in duplicate,  
3 which certificate shall specify the real estate redeemed, or  
4 the part thereof or the interest therein, as the case may be,  
5 together with any changes in respect thereto which were  
6 made in the landbook and in the record of delinquent  
7 lands; shall specify the year or years for which payment  
8 was made; and shall state that it is a receipt for the money  
9 paid and a release of the tax lien on the real estate re-  
10 deemed. The original certificate shall be retained in the  
11 files in the clerk's office and one copy shall be delivered to  
12 the person redeeming. The clerk shall make any necessary  
13 changes in his record of delinquent lands and shall note  
14 the fact of redemption on such record and shall record the  
15 certificate in a separate volume provided for the purpose.

16 The fee for issuing the certificate of redemption shall be  
17 thirty-five dollars, of which ten dollars of that amount  
18 shall be deposited in the courthouse facilities improvement  
19 fund created by section six, article twenty-six, chapter  
20 twenty-nine of this code.

21 (b) All certificates of redemption issued by the clerk in  
22 each year shall be numbered consecutively and shall be  
23 filed by the clerk in numerical order. Reference to the year  
24 and number of the certificate shall be included in the  
25 notation of redemption required herein. No fee shall be  
26 charged by the clerk for any recordation, filing or notation  
27 required by this section.

**CHAPTER 50. MAGISTRATE COURTS.**

**ARTICLE 3. COSTS, FINES AND RECORDS.**

**§50-3-1. Costs in civil actions.**

1 The following costs shall be charged in magistrate courts  
2 in civil actions and shall be collected in advance:

3 (a) For filing and trying any civil action and for all  
 4 services connected therewith, but excluding services  
 5 regarding enforcement of judgment, the following amounts  
 6 dependent upon the amount of damages sought in the  
 7 complaint:

8	Where the action is for five hundred dollars	
9	or less .....	\$30.00
10	Where the action is for more than five hundred	
11	dollars but not more than one thousand	
12	dollars .....	\$35.00
13	Where the action is for more than one	
14	thousand dollars but not more than	
15	two thousand dollars .....	\$40.00
16	Where the action is for more than two	
17	thousand dollars .....	\$50.00
18	Where the action seeks relief other than	
19	money damage .....	\$30.00
20	Five dollars from each of the filing fees listed above	
21	shall be deposited in the court security fund created by the	
22	provisions of section fourteen, article three, chapter fifty-	
23	one of this code.	
24	Five dollars from each of the filing fees listed above	
25	shall be deposited in the courthouse facilities improvement	
26	fund created by section six, article twenty-six, chapter	
27	twenty-nine of this code.	
28	(b) For each service regarding enforcement	
29	of a judgment including execution,	
30	suggestion, garnishment and suggestee	
31	execution .....	\$5.00
32	(c) For each bond filed in a case .....	\$1.00
33	(d) For taking deposition of witness	
34	for each hour or portion thereof .....	\$1.00



35 (e) For taking and certifying acknowledgment  
 36 of a deed or other writing or taking oath  
 37 upon an affidavit ..... \$ .50

38 (f) For mailing any matter required or  
 39 provided by law to be mailed by certified or  
 40 registered mail with return receipt ..... \$1.00

41 Costs incurred in a civil action shall be reflected in any  
 42 judgment rendered thereon. The provisions of section one,  
 43 article two, chapter fifty-nine of this code, relating to the  
 44 payment of costs by poor persons, shall be applicable to all  
 45 costs in civil actions.

**§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 sixty dollars, of which five dollars  
 6 of that amount shall be deposited in the courthouse  
 7 facilities improvement fund created by section six, article  
 8 twenty-six, chapter twenty-nine of this code; and (2) an  
 9 amount equal to the one-day per diem provided for in  
 10 subsection (h), section ten, article twenty, chapter  
 11 thirty-one of this code. A magistrate may not collect costs  
 12 in advance. Notwithstanding any other provision of this  
 13 code, a person liable for fines and court costs in a criminal  
 14 proceeding in which the defendant is confined in a jail or  
 15 prison and not participating in a work release program  
 16 shall not be held liable for the fines and court costs until  
 17 ninety days after completion of the term in jail or prison.  
 18 A magistrate court shall deposit five dollars from each of  
 19 the criminal proceedings fees collected pursuant to this  
 20 section in the court security fund created in section  
 21 fourteen, article three, chapter fifty-one of this code. A  
 22 magistrate court shall, on or before the tenth day of the  
 23 month following the month in which the fees imposed in  
 24 this section were collected, remit an amount equal to the

25 one-day per diem provided for in subsection (h), section  
26 ten, article twenty, chapter thirty-one of this code from  
27 each of the criminal proceedings in which the fees speci-  
28 fied in this section were collected to the magistrate court  
29 clerk or, if there is no magistrate court clerk to the clerk of  
30 the circuit, together with information as may be required  
31 by the rules of the supreme court of appeals and the rules  
32 of the office of chief inspector. These moneys are paid to  
33 the sheriff who shall distribute the moneys solely in  
34 accordance with the provisions of section fifteen, article  
35 five, chapter seven of this code. Amendments made to this  
36 section during the regular session of the Legislature, two  
37 thousand one, are effective after the thirtieth day of June,  
38 two thousand one.

39 (b) A magistrate shall assess costs in the amount of two  
40 dollars and fifty cents for issuing a sheep warrant and the  
41 appointment and swearing appraisers and docketing the  
42 proceedings.

43 (c) In each criminal case which must be tried by the  
44 circuit court but in which a magistrate renders some  
45 service, costs in the amount of ten dollars shall be imposed  
46 by the magistrate court and is certified to the clerk of the  
47 circuit court in accordance with the provisions of section  
48 six, article five, chapter sixty-two of this code.

## **CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL ADVERTISEMENTS.**

### **ARTICLE 1. FEES AND ALLOWANCES.**

#### **§59-1-10. Fees to be charged by clerk of county commission.**

1 For the purpose of this section, the word "page" is  
2 defined as being a paper writing of not more than legal  
3 size, 8 ½" x 14".

4 The clerk of the county commission shall charge and  
5 collect the following fees:

6 (a) When a writing is admitted to record, for receiving  
7 proof of acknowledgment thereof, entering an order in

8 connection therewith, endorsing clerk's certificate of  
9 recordation thereon and indexing in a proper index, where  
10 the writing is a:

11 (1) Deed of conveyance (with or without a  
12 plat), trust deed, fixture filing or security  
13 agreement concerning real estate lease ..... \$10.00

14 (2) Financing, continuation, termination or  
15 other statement or writing permitted to be  
16 filed under chapter forty-six of this code ... \$10.00

17 (3) Plat or map (with no deed of conveyance) . \$10.00

18 (4) Service discharge record ..... No Charge

19 (5) Any document or writing other than those  
20 referenced in subdivisions (1), (2), (3) and (4)  
21 of this subsection ..... \$5.00

22 (6) If any document or writing contains more  
23 than five pages, for each additional page ..... \$1.00

24 (b) For administering any oath other than  
25 oaths by officers and employees of the state,  
26 political subdivisions of the state, or a public  
27 or quasi public entity of the state or a political  
28 subdivision of the state, taken in his or her  
29 official capacity ..... \$5.00

30 (c) For issuance of marriage license and  
31 other duties pertaining to the marriage  
32 license (including preparation of the  
33 application, administering the oath,  
34 registering and recording the license,  
35 mailing acknowledgment of minister's  
36 return to one of the licensees and  
37 notification to a licensee after sixty  
38 days of the nonreceipt of  
39 the minister's return) ..... \$35.00

40 (1) One dollar of the marriage license fee received  
41 pursuant to this subsection shall be paid by the county

42 clerk into the state treasury as a state registration fee in  
43 the same manner that license taxes are paid into the  
44 treasury under article twelve, chapter eleven of this code;

45 (2) Fifteen dollars of the marriage license fee received  
46 pursuant to this subsection shall be paid by the county  
47 clerk into the state treasury for the family protection  
48 shelter support act in the same manner that license taxes  
49 are paid into the treasury under article twelve, chapter  
50 eleven of this code;

51 (3) Ten dollars of the marriage license fee received  
52 pursuant to this subsection shall be deposited in the  
53 courthouse facilities improvement fund created by section  
54 six, article twenty-six, chapter twenty-nine of this code.

55 (d) (1) For a copy of any writing or document, if it is not  
56 otherwise provided for ..... \$1.50

57 (2) If the copy of the writing or document contains more  
58 than two pages, for each additional page ..... \$1.00

59 (3) For annexing the seal of the commission  
60 or clerk to any paper ..... \$1.00

61 (4) For a certified copy of a birth certificate,  
62 death certificate or marriage license ..... \$5.00

**§59-1-11. Fees to be charged by clerk of circuit court.**

1 (a) The clerk of a circuit court shall charge and collect  
2 for services rendered as such clerk the following fees, and  
3 such fees shall be paid in advance by the parties for whom  
4 such services are to be rendered:

5 (1) For instituting any civil action under the rules of civil  
6 procedure, any statutory summary proceeding, any  
7 extraordinary remedy, the docketing of civil appeals or  
8 any other action, cause, suit or proceeding, one hundred  
9 twenty-five dollars, of which thirty dollars of that amount  
10 shall be deposited in the courthouse facilities improvement  
11 fund created by section six, article twenty-six, chapter

12 twenty-nine of this code and ten dollars shall be deposited  
13 in the special revenue account created in section six  
14 hundred three, article twenty-six, chapter forty-eight of  
15 this code to provide legal services for domestic violence  
16 victims;

17 (2) For instituting an action for medical professional  
18 liability, two hundred sixty dollars, of which ten dollars of  
19 that amount shall be deposited in the courthouse facilities  
20 improvement fund created by section six, article twenty-  
21 six, chapter twenty-nine of this code;

22 (3) Beginning on and after the first day of July, one  
23 thousand nine hundred ninety-nine, for instituting an  
24 action for divorce, separate maintenance or annulment,  
25 one hundred thirty-five dollars;

26 (4) For petitioning for the modification of an order  
27 involving child custody, child visitation, child support or  
28 spousal support, eighty-five dollars; and

29 (5) For petitioning for an expedited modification of a  
30 child support order, thirty-five dollars.

31 (b) In addition to the foregoing fees, the following fees  
32 shall likewise be charged and collected:

33 (1) For preparing an abstract of judgment, five dollars;

34 (2) For any transcript, copy or paper made by the clerk  
35 for use in any other court or otherwise to go out of the  
36 office, for each page, fifty cents;

37 (3) For action on suggestion, ten dollars;

38 (4) For issuing an execution, ten dollars;

39 (5) For issuing or renewing a suggestee execution,  
40 including copies, postage, registered or certified mail fees  
41 and the fee provided by section four, article five-a, chapter  
42 thirty-eight of this code, three dollars;

43 (6) For vacation or modification of a suggestee execu-  
44 tion, one dollar;

45 (7) For docketing and issuing an execution on a tran-  
46 script of judgment from magistrate's court, three dollars;

47 (8) For arranging the papers in a certified question, writ  
48 of error, appeal or removal to any other court, ten dollars,  
49 of which five dollars of that amount shall be deposited in  
50 the courthouse facilities improvement fund created by  
51 section six, article twenty-six, chapter twenty-nine of this  
52 code;

53 (9) For postage and express and for sending or receiving  
54 decrees, orders or records, by mail or express, three times  
55 the amount of the postage or express charges;

56 (10) For each subpoena, on the part of either plaintiff or  
57 defendant, to be paid by the party requesting the same,  
58 fifty cents;

59 (11) For additional service (plaintiff or appellant) where  
60 any case remains on the docket longer than three years, for  
61 each additional year or part year, twenty dollars;

62 (12) For processing of criminal bond, twenty-five dollars  
63 per bond, which shall be deposited in the courthouse  
64 facilities improvement fund created by section six, article  
65 twenty-six, chapter twenty-nine of this code; and

66 (13) For processing of bail piece, ten dollars per bail  
67 piece, which shall be deposited in the courthouse facilities  
68 improvement fund created by section six, article twenty-  
69 six, chapter twenty-nine of this code.

70 (c) The clerk shall tax the following fees for services in  
71 any criminal case against any defendant convicted in such  
72 court:

73 (1) In the case of any misdemeanor, fifty-five dollars;

74 (2) In the case of any felony, seventy-five dollars, of  
75 which ten dollars of that amount shall be deposited in the  
76 courthouse facilities improvement fund created by section  
77 six, article twenty-six, chapter twenty-nine of this code.

78 (d) No such clerk shall be required to handle or accept  
79 for disbursement any fees, cost or amounts, of any other  
80 officer or party not payable into the county treasury,  
81 except it be on order of the court or in compliance with the  
82 provisions of law governing such fees, costs or accounts.

**§59-1-28a. Disposition of filing fees in civil actions and fees for services in criminal cases.**

1 (a) Except for those payments to be made from amounts  
2 equaling filing fees received for the institution of divorce  
3 actions as prescribed in subsection (b) of this section, and  
4 except for those payments to be made from amounts  
5 equaling filing fees received for the institution of actions  
6 for divorce, separate maintenance and annulment as  
7 prescribed in said subsection, for each civil action insti-  
8 tuted under the rules of civil procedure, any statutory  
9 summary proceeding, any extraordinary remedy, the  
10 docketing of civil appeals or any other action, cause, suit  
11 or proceeding in the circuit court, the clerk of the court  
12 shall, at the end of each month, pay into the funds or  
13 accounts described in this subsection an amount equal to  
14 the amount set forth in this subsection of every filing fee  
15 received for instituting the action as follows:

16 (1) Into the regional jail and correctional facility author-  
17 ity fund in the state treasury established pursuant to the  
18 provisions of section ten, article twenty, chapter thirty-one  
19 of this code, the amount of sixty dollars; and

20 (2) Into the court security fund in the state treasury  
21 established pursuant to the provisions of section fourteen,  
22 article three, chapter fifty-one of this code, the amount of  
23 five dollars.

24 (b) For each action for divorce, separate maintenance or  
25 annulment instituted in the circuit court, the clerk of the  
26 court shall, at the end of each month, report to the su-  
27 preme court of appeals, the number of actions filed by  
28 persons unable to pay, and pay into the funds or accounts  
29 in this subsection an amount equal to the amount set forth

30 in this subsection of every filing fee received for instituting  
31 the divorce action as follows:

32 (1) Into the regional jail and correctional facility author-  
33 ity fund in the state treasury established pursuant to the  
34 provisions of section ten, article twenty, chapter thirty-one  
35 of this code, the amount of ten dollars;

36 (2) Into the special revenue account of the state treasury,  
37 established pursuant to section six hundred four, article  
38 two, chapter forty-eight of this code, an amount of thirty  
39 dollars;

40 (3) Into the family court fund established under section  
41 twenty-two, article two-a, chapter fifty-one of this code,  
42 an amount of seventy dollars; and

43 (4) Into the court security fund in the state treasury,  
44 established pursuant to the provisions of section fourteen,  
45 article three, chapter fifty-one of this code, the amount of  
46 five dollars.

47 (c) Notwithstanding any provision of subsection (a) or (b)  
48 of this section to the contrary, the clerk of the court shall,  
49 at the end of each month, pay into the family court fund  
50 established under section twenty-two, article two-a,  
51 chapter fifty-one of this code an amount equal to the  
52 amount of every fee received for petitioning for the  
53 modification of an order involving child custody, child  
54 visitation, child support or spousal support as determined  
55 by subdivision (3), subsection (a), section eleven of this  
56 article and for petitioning for an expedited modification of  
57 a child support order as provided in subdivision (4) of said  
58 subsection.

59 (d) The clerk of the court from which a protective order  
60 is issued shall, at the end of each month, pay into the  
61 family court fund established under section twenty-two,  
62 article two-a, chapter fifty-one of this code an amount  
63 equal to every fee received pursuant to the provisions of



64 section five hundred eight, article twenty-seven, chapter  
65 forty-eight of this code.

66 (e) The clerk of each circuit court shall, at the end of  
67 each month, pay into the regional jail and correctional  
68 facility authority fund in the state treasury an amount  
69 equal to forty dollars of every fee for service received in  
70 any criminal case against any respondent convicted in  
71 such court and shall pay an amount equal to five dollars of  
72 every such fee into the court security fund in the state  
73 treasury established pursuant to the provisions of section  
74 fourteen, article three, chapter fifty-one of this code.

75 (f) Beginning the first day of January, two thousand two,  
76 the clerk of the circuit court shall, at the end of each  
77 month, pay into the medical liability fund established  
78 under article twelve-b, chapter twenty-nine of this code an  
79 amount equal to one hundred sixty-five dollars of every  
80 filing fee received for instituting a medical professional  
81 liability action.

82 (g) The clerk of the circuit court shall, at the end of each  
83 month, pay into the courthouse facilities improvement  
84 fund created by section six, article twenty-six, chapter  
85 twenty-nine of this code those amounts received by the  
86 clerk which are dedicated for deposit in the fund.

## **ARTICLE 2. COSTS GENERALLY.**

### **§59-2-17. Fees of prosecuting attorney.**

1 The clerk shall include in the costs, for fees of the  
2 prosecuting attorney, the following:

3 (a) In cases of misdemeanor, or an action upon a bond for  
4 a violation of the license laws, fifteen dollars, of which five  
5 dollars of that amount shall be deposited in the courthouse  
6 facilities improvement fund created by section six, article  
7 twenty-six, chapter twenty-nine of this code;

8 (b) In a case of bastardy, ten dollars;

9 (c) In a suit or proceeding upon a forfeited recognizance  
10 upon behalf of the state, five percent upon the amount  
11 recovered and paid into the treasury;

12 (d) In cases of felony, thirty-five dollars, of which five  
13 dollars of that amount shall be deposited in the courthouse  
14 facilities improvement fund created by section six, article  
15 twenty-six, chapter twenty-nine of this code;

16 (e) In any other case of the state, if a different fee is not  
17 prescribed, ten dollars.

18 Such fees shall be collected and accounted for as pro-  
19 vided in article one of this chapter, but shall not in any  
20 case be paid out of the county or state treasury.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 7. DANGEROUS WEAPONS.**

#### **§61-7-4. License to carry deadly weapons; how obtained.**

1 (a) Except as provided in subsection (h) of this section,  
2 any person desiring to obtain a state license to carry a  
3 concealed deadly weapon shall apply to the sheriff of his  
4 or her county for such license, and shall pay to the sheriff,  
5 at the time of application, a fee of seventy-five dollars, of  
6 which fifteen dollars of that amount shall be deposited in  
7 the courthouse facilities improvement fund created by  
8 section six, article twenty-six, chapter twenty-nine of this  
9 code. Concealed weapons permits may only be issued for  
10 pistols or revolvers. Each applicant shall file with the  
11 sheriff, a complete application, as prepared by the super-  
12 intendent of the West Virginia state police, in writing, duly  
13 verified, which sets forth only the following licensing  
14 requirements:

15 (1) The applicant's full name, date of birth, social  
16 security number and a description of the applicant's  
17 physical features;

18 (2) That, on the date the application is made, the appli-  
19 cant is a bona fide resident of this state and of the county  
20 in which the application is made and has a valid driver's  
21 license or other state-issued photo identification showing  
22 such residence;

23 (3) That the applicant is twenty-one years of age or  
24 older: *Provided*, That any individual who is less than  
25 twenty-one years of age and possesses a properly issued  
26 concealed weapons license as of the effective date of this  
27 article shall be licensed to maintain his or her concealed  
28 weapons license notwithstanding the provisions of this  
29 section requiring new applicants to be at least twenty-one  
30 years of age: *Provided, however*, That upon a showing of  
31 any applicant who is eighteen years of age or older that he  
32 or she is required to carry a concealed weapon as a condi-  
33 tion for employment, and presents satisfactory proof to the  
34 sheriff thereof, then he or she shall be issued a license  
35 upon meeting all other conditions of this section. Upon  
36 discontinuance of employment that requires the concealed  
37 weapons license, if the individual issued the license is not  
38 yet twenty-one years of age, then the individual issued the  
39 license is no longer eligible and must return his or her  
40 license to the issuing sheriff;

41 (4) That the applicant is not addicted to alcohol, a  
42 controlled substance or a drug, and is not an unlawful user  
43 thereof;

44 (5) That the applicant has not been convicted of a felony  
45 or of an act of violence involving the misuse of a deadly  
46 weapon;

47 (6) That the applicant has no criminal charges pending  
48 and is not currently serving a sentence of confinement,  
49 parole, probation or other court-ordered supervision,  
50 because of a charge of domestic violence as provided for in  
51 section twenty-eight, article two of this chapter, or is the  
52 subject of a restraining order as a result of a domestic  
53 violence act as defined in that section, or because of a

54 verified petition of domestic violence as provided for in  
55 article two-a, chapter forty-eight of this code or is subject  
56 to a protective order as provided for in that article;

57 (7) That the applicant is physically and mentally compe-  
58 tent to carry such weapon;

59 (8) That the applicant has not been adjudicated to be  
60 mentally incompetent;

61 (9) That the applicant has qualified under the minimum  
62 requirements set forth in subsection (d) of this section for  
63 handling and firing such weapon: *Provided*, That this  
64 requirement shall be waived in the case of a renewal  
65 applicant who has previously qualified;

66 (10) That the applicant authorizes the sheriff of the  
67 county, or his or her designee, to conduct an investigation  
68 relative to the information contained in the application.

69 (b) The sheriff shall conduct an investigation which shall  
70 verify that the information required in subdivisions (1), (2),  
71 (3), (5), (6), (8) and (9), subsection (a) of this section are  
72 true and correct.

73 (c) Sixty dollars of the application fee and any fees for  
74 replacement of lost or stolen licenses received by the  
75 sheriff shall be deposited by the sheriff into a concealed  
76 weapons license administration fund. Such fund shall be  
77 administered by the sheriff and shall take the form of an  
78 interest bearing account with any interest earned to be  
79 compounded to the fund. Any funds deposited in this  
80 concealed weapon license administration fund are to be  
81 expended by the sheriff to pay for the costs associated  
82 with issuing concealed weapons licenses. Any surplus in  
83 the fund on hand at the end of each fiscal year may be  
84 expended for other law-enforcement purposes or operating  
85 needs of the sheriff's office, as the sheriff may consider  
86 appropriate.

87 (d) All persons applying for a license must complete a  
88 training course in handling and firing a handgun. The

89 successful completion of any of the following courses  
90 fulfills this training requirement:

91 (1) Any official national rifle association handgun safety  
92 or training course;

93 (2) Any handgun safety or training course or class  
94 available to the general public offered by an official law-  
95 enforcement organization, community college, junior  
96 college, college or private or public institution or organiza-  
97 tion or handgun training school utilizing instructors duly  
98 certified by such institution;

99 (3) Any handgun training or safety course or class  
100 conducted by a handgun instructor certified as such by the  
101 state or by the national rifle association;

102 (4) Any handgun training or safety course or class  
103 conducted by any branch of the United States military,  
104 reserve or national guard.

105 A photocopy of a certificate of completion of any of the  
106 courses or classes or an affidavit from the instructor,  
107 school, club, organization or group that conducted or  
108 taught said course or class attesting to the successful  
109 completion of the course or class by the applicant or a  
110 copy of any document which shows successful completion  
111 of the course or class shall constitute evidence of qualifica-  
112 tion under this section.

113 (e) All concealed weapons license applications must be  
114 notarized by a notary public duly licensed under article  
115 four, chapter twenty-nine of this code. Falsification of any  
116 portion of the application constitutes false swearing and  
117 is punishable under the provisions of section two, article  
118 five, chapter sixty-one of this code.

119 (f) If the information in the application is found to be  
120 true and correct, the sheriff shall issue a license. The  
121 sheriff shall issue or deny the license within forty-five  
122 days after the application is filed if all required back-  
123 ground checks authorized by this section are completed.

124 (g) Before any approved license shall be issued or become  
125 effective, the applicant shall pay to the sheriff a fee in the  
126 amount of fifteen dollars which the sheriff shall forward  
127 to the superintendent of the West Virginia state police  
128 within thirty days of receipt. Any such license shall be  
129 valid for five years throughout the state, unless sooner  
130 revoked.

131 (h) All persons holding a current and valid concealed  
132 weapons license as of the sixteenth day of December, one  
133 thousand nine hundred ninety-five, shall continue to hold  
134 a valid concealed weapons license until his or her license  
135 expires or is revoked as provided for in this article:  
136 *Provided*, That all reapplication fees shall be waived for  
137 applications received by the first day of January, one  
138 thousand nine hundred ninety-seven, for any person  
139 holding a current and valid concealed weapons license as  
140 of the sixteenth day of December, one thousand nine  
141 hundred ninety-five, which contains use restrictions  
142 placed upon the license as a condition of issuance by the  
143 issuing circuit court. Any licenses reissued pursuant to  
144 this subsection will be issued for the time period of the  
145 original license.

146 (i) Each license shall contain the full name, social  
147 security number and address of the licensee and a space  
148 upon which the signature of the licensee shall be signed  
149 with pen and ink. The issuing sheriff shall sign and attach  
150 his or her seal to all license cards. The sheriff shall  
151 provide to each new licensee a duplicate license card, in  
152 size similar to other state identification cards and licenses,  
153 suitable for carrying in a wallet, and such license card is  
154 deemed a license for the purposes of this section.

155 (j) The superintendent of the West Virginia state police  
156 shall prepare uniform applications for licenses and license  
157 cards showing that such license has been granted and shall  
158 do any other act required to be done to protect the state  
159 and see to the enforcement of this section.

160 (k) In the event an application is denied, the specific  
161 reasons for the denial shall be stated by the sheriff denying  
162 the application. Any person denied a license may file, in  
163 the circuit court of the county in which the application  
164 was made, a petition seeking review of the denial. Such  
165 petition shall be filed within thirty days of the denial. The  
166 court shall then determine whether the applicant is  
167 entitled to the issuance of a license under the criteria set  
168 forth in this section. The applicant may be represented by  
169 counsel, but in no case shall the court be required to  
170 appoint counsel for an applicant. The final order of the  
171 court shall include the court's findings of fact and conclu-  
172 sions of law. If the final order upholds the denial, the  
173 applicant may file an appeal in accordance with the rules  
174 of appellate procedure of the supreme court of appeals.

175 (l) In the event a license is lost or destroyed, the person  
176 to whom the license was issued may obtain a duplicate or  
177 substitute license for a fee of five dollars by filing a  
178 notarized statement with the sheriff indicating that the  
179 license has been lost or destroyed.

180 (m) The sheriff shall, immediately after the license is  
181 granted as aforesaid, furnish the superintendent of the  
182 West Virginia state police a certified copy of the approved  
183 application. It shall be the duty of the sheriff to furnish to  
184 the superintendent of the West Virginia state police at any  
185 time so requested a certified list of all such licenses issued  
186 in the county. The superintendent of the West Virginia  
187 state police shall maintain a registry of all persons who  
188 have been issued concealed weapons licenses.

189 (n) All licensees must carry with them a state-issued  
190 photo identification card with the concealed weapons  
191 license whenever the licensee is carrying a concealed  
192 weapon. Any licensee who fails to have in his or her  
193 possession a state-issued photo identification card and a  
194 current concealed weapons license while carrying a  
195 concealed weapon shall be guilty of a misdemeanor and,

196 upon conviction thereof, shall be fined not less than fifty  
197 or more than two hundred dollars for each offense.

198 (o) The sheriff shall deny any application or revoke any  
199 existing license upon determination that any of the  
200 licensing application requirements established in this  
201 section have been violated by the licensee.

202 (p) No person who is engaged in the receipt, review or in  
203 the issuance or revocation of a concealed weapon license  
204 shall incur any civil liability as the result of the lawful  
205 performance of his or her duties under this article.

206 (q) Notwithstanding the provisions of subsection (a) of  
207 this section, with respect to application by a former law-  
208 enforcement officer honorably retired from agencies  
209 governed by article fourteen, chapter seven of this code;  
210 article fourteen, chapter eight of this code; article two,  
211 chapter fifteen of this code; and article seven, chapter  
212 twenty of this code, an honorably retired officer is exempt  
213 from payment of fees and costs as otherwise required by  
214 this section, and the application of the honorably retired  
215 officer shall be granted without proof or inquiry by the  
216 sheriff as to those requirements set forth in subdivision (9),  
217 subsection (a) of this section, if the officer meets the  
218 remainder of the requirements of this section and has the  
219 approval of the appropriate chief law-enforcement officer.



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]*

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 19<sup>th</sup> Day of June, 2003.

*[Handwritten Signature]*

Governor

PRESENTED TO THE  
GOVERNOR

Date 6/19/03

Time 4:45 p

**FILED**

2003 JUN 19 P 5:49

OFFICE WEST VIRGINIA  
SECRETARY OF STATE