

COMMITTEE SUBSTITUTE

FOR

H. B. 3142

(BY DELEGATES MANCHIN, LONGSTRETH,
CAPUTO, MILEY AND BARILL)

(Originating in the Committee on Finance)
[February 23, 2012]

A BILL to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating to increasing the allowable number of magistrate court deputy clerks by six.

Be it enacted by the Legislature of West Virginia:

That §50-1-9a of the Code of West Virginia, 1931, 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 recommendation of the judge of the circuit court, or the chief

3 judge of the circuit court if there is more than one judge of
4 the circuit court, the Supreme Court of Appeals may, by rule,
5 provide for the appointment of magistrate court deputy
6 clerks, not to exceed seventy-two in number: *Provided*, That
7 beginning on July 1, 2012, the Supreme Court of Appeals
8 may, by rule, provide for the appointment of magistrate court
9 deputy clerks, not to exceed seveny-eight in number. The
10 magistrate court deputy clerks shall be appointed by the
11 judge of the circuit court, or the chief judge if there is more
12 than one judge of the circuit court, to serve at his or her will
13 and pleasure under the immediate supervision of the
14 magistrate court clerk.

15 (b) Magistrate court deputy clerks ~~shall~~ have the duties,
16 clerical or otherwise, as may be assigned by the magistrate
17 court clerk and as may be prescribed by the rules of the
18 Supreme Court of Appeals or the judge of the circuit court or
19 the chief judge if there is more than one judge of the circuit
20 court. Magistrate court deputy clerks may also exercise the
21 power and perform the duties of the magistrate court clerk as
22 may be delegated or assigned by the magistrate court clerk.

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

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