

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5596

FISCAL
NOTE

By Delegates Mallow, Akers, Miller, and Maynor

[Introduced February 16, 2026; referred to the
Committee on Finance]

1 A BILL to amend and reenact §50-3-2 of the Code of West Virginia, 1931, as amended, relating to
 2 adding costs for misdemeanor and felony convictions to be deposited into the West
 3 Virginia State Police Forensic Laboratory Fund and for additional costs of \$50 being
 4 deposited into the fund upon conviction of any misdemeanor or felony where the resources
 5 of the West Virginia State Forensic Laboratory were utilized.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. COSTS, FINES AND RECORDS.

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

1 (a) In each criminal case before a magistrate court in which the defendant is convicted,
 2 whether by plea or at trial, there is imposed, in addition to other costs, fines, forfeitures, or
 3 penalties allowed by law:

4 (1) Costs in the amount of \$60, of which \$5 of that amount shall be deposited in the
 5 Courthouse Facilities Improvement Fund created by §29-26-6 of this code;

6 (2) An amount equal to the one-day per diem provided for in §15A-3-16(g) of this code; and

7 (3) Costs in the amount of \$30 to be deposited in the Regional Jail Operations Partial
 8 Reimbursement Fund created by §15A-3-16 of this code. A magistrate may not collect costs in
 9 advance. Notwithstanding any other provision of this code, a person liable for fines and court costs
 10 in a criminal proceeding in which the defendant is confined in a jail or prison and not participating in
 11 a work-release program shall not be held liable for the fines and court costs until 180 days after
 12 completion of the term in jail or prison. A magistrate court shall deposit \$5 from each of the criminal
 13 proceedings fees collected pursuant to this section in the Court Security Fund created in §51-3-14
 14 of this code. A magistrate court shall, on or before the 10th day of the month following the month in
 15 which the fees imposed in this section were collected, remit an amount equal to the one-day per
 16 diem provided for in §15A-3-16(g) of this code from each of the criminal proceedings in which the
 17 fees specified in this section were collected to the magistrate court clerk, or if there is no
 18 magistrate court clerk to the clerk of the circuit, together with information required by the rules of

19 the Supreme Court of Appeals and the rules of the Office of Chief Inspector. These moneys are
20 paid to the sheriff who shall distribute the moneys solely in accordance with the provisions of §7-5-
21 15 of this code. Amendments made to this section during the 2001 regular session of the
22 Legislature are effective after June 30, 2001; and

23 (4) Costs in the amount of \$20 for misdemeanor convictions and \$20 for felony convictions
24 to be deposited into the West Virginia State Police Forensic Laboratory Fund created in §15-2-
25 24d. Additional costs in the amount of \$50 shall be deposited into the West Virginia State Police
26 Forensic Laboratory upon conviction of any misdemeanor or felony where West Virginia State
27 Police Forensic Laboratory resources were utilized.

28 (b) A magistrate shall assess costs in the amount of \$2.50 for issuing a sheep warrant and
29 the appointment and swearing appraisers and docketing the proceedings.

30 (c) In each criminal case which must be tried by the circuit court in which a magistrate
31 renders some service, costs in the amount of \$10 shall be imposed by the magistrate court and
32 shall be certified to the clerk of the circuit court in accordance with the provisions of §62-5-6 of this
33 code.

34 (d) The clerk of a magistrate court shall charge and collect a fee of \$10 for services
35 rendered by the clerk for processing criminal bonds and the fees which shall be assessed as costs
36 of the proceeding due only upon conviction.

37 (e) All fees collected pursuant to this subsection shall be deposited in the Courthouse
38 Facilities Improvement Fund created by §29-26-6 of this code. Nothing in this subsection may be
39 construed to impose a fee for the processing of a personal recognizance bond.

40 (f) The clerk of a magistrate court shall charge and collect a fee of \$25 for services
41 rendered by the clerk for processing a bail piece and the fee shall be paid by the surety at the time
42 of issuance. All fees collected pursuant to this subsection shall be deposited in the Courthouse
43 Facilities Improvement Fund created by §29-26-6 of this code.

NOTE: The purpose of this bill is to revise the statute to add costs for misdemeanor and felony convictions to be deposited into the West Virginia State Police Forensic Laboratory Fund created in §15-2-24d of the code and for additional costs of \$50 to be deposited into the fund upon conviction of any misdemeanor or felony where the resources of the West Virginia State Forensic Laboratory were utilized.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.