

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5597**

**FISCAL  
NOTE**

By Delegate Mallow

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

1 A BILL to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to  
 2 requiring costs for misdemeanor and felony convictions to be deposited into the West  
 3 Virginia State Police Forensic Laboratory Fund.

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

**ARTICLE 1. FEES AND ALLOWANCES.**

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

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

3 (1) Except as provided in §59-1-11(a)(2) and §59-1-11(a)(3) of this code, for instituting any  
 4 civil action under the Rules of Civil Procedure, any statutory summary proceeding, any  
 5 extraordinary remedy, the docketing of civil appeals or removals of civil cases from magistrate  
 6 court, or any other action, cause, suit or proceeding, \$200, of which \$30 shall be deposited in the  
 7 Courthouse Facilities Improvement Fund created by §29-26-6 of this code and \$45 shall be  
 8 deposited in the special revenue account designated the Fund for Civil Legal Services for Low  
 9 Income Persons, established by §59-1-10(c)(4)(B) of this code, and \$20 deposited in the special  
 10 revenue account created in §48-26-603 of this code to provide legal services for domestic violence  
 11 victims;

12 (2) For instituting an action for medical professional liability, \$400, of which \$10 shall be  
 13 deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code:  
 14 *Provided, That after December 31, 2021, the filing fee for instituting an action for medical*  
 15 *professional liability shall be \$280, of which \$10 shall be deposited in the Courthouse Facilities*  
 16 *Improvement Fund created by §29-26-6 of this code;*

17 (3) Beginning on and after July 1, 1999, for instituting an action for divorce, separate  
 18 maintenance, or annulment, \$135;

19 (4) For petitioning for the modification of an order involving child custody, child visitation,  
 20 child support, or spousal support, \$85;

21 (5) For petitioning for an expedited modification of a child support order, \$35;

22 (6) For filing any pleading that includes a counterclaim, cross claim, third-party complaint,  
23 or motion to intervene, \$200, which shall be deposited in the special revenue account designated  
24 the Fund for Civil Legal Services for Low Income Persons, established by §59-1-10(c)(4)(B) of this  
25 code: *Provided*, That this subdivision and the fee it imposes does not apply in family court cases  
26 nor may more than one such fee be imposed on any one party in any one civil action; and

27 (7) Except for civil actions within the jurisdiction of family courts, for each defendant or  
28 respondent named in the initial pleading upon the institution of a civil action in which there are two  
29 or more named defendants, and for each additional defendant, respondent, or third-party  
30 defendant subsequently named in a pleading filed in the civil action, \$15, payable upon the  
31 institution of the civil action or upon the filing of the initial pleading that names the additional  
32 defendant, respondent, or third-party defendant, of which \$10 shall be deposited in the general  
33 fund of the county in which the office of the circuit clerk is located, and \$5 shall be deposited in the  
34 State Police Forensic Laboratory Fund, established under §15-2-24d of this code: *Provided*, That  
35 for purposes of this subdivision, "defendant or respondent named" does not include those  
36 defendants or respondents identified as "John/Jane Doe".

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

38 (1) For preparing an abstract of judgment, \$5;

39 (2) For a transcript, copy, or paper made by the clerk for use in any other court or otherwise  
40 to go out of the office, for each page, \$1;

41 (3) For issuing a suggestion and serving notice to the debtor by certified mail, \$25;

42 (4) For issuing an execution, \$25;

43 (5) For issuing or renewing a suggestee execution and serving notice to the debtor by  
44 certified mail, \$25;

45 (6) For vacation or modification of a suggestee execution, \$1;

46 (7) For docketing and issuing an execution on a transcript of judgment from magistrate  
47 court, \$3;

48 (8) For arranging the papers in a certified question, writ of error, appeal, or removal to any  
49 other court, \$10, of which \$5 shall be deposited in the Courthouse Facilities Improvement Fund  
50 created by §29-26-6 of this code;

51 (9) For each subpoena, on the part of either plaintiff or defendant, to be paid by the party  
52 requesting the same, 50 cents;

53 (10) For additional service, plaintiff or appellant, where any case remains on the docket  
54 longer than three years, for each additional year or part year, \$20; and

55 (11) For administering funds deposited into a federally insured interest-bearing account or  
56 interest-bearing instrument pursuant to a court order, \$50, to be collected from the party making  
57 the deposit. A fee collected pursuant to this subdivision shall be paid into the general county fund.

58 (c) In addition to the foregoing fees, a fee for the actual amount of the postage and express  
59 may be charged and collected for sending decrees, orders, or records that have not been ordered  
60 by the court to be sent by mail or express.

61 (d) The clerk shall tax the following fees for services in a criminal case against a defendant  
62 convicted in such court:

63 (1) In the case of a misdemeanor, \$85; and

64 (2) In the case of a felony, \$105, of which \$10 shall be deposited in the Courthouse  
65 Facilities Improvement Fund created by §29-26-6 of this code; and

66 (3) Costs in the amount of \$20 for misdemeanor convictions and \$20 for felony convictions  
67 to be deposited into the West Virginia State Police Forensic Laboratory Fund created in §15-2-24d  
68 of this code. Additional costs in the amount of \$50 shall be deposited into the West Virginia State  
69 Police Forensic Laboratory Fund upon conviction of any misdemeanor or felony where West  
70 Virginia State Police Forensic Laboratory resources were utilized.

71 (e) The clerk of a circuit court shall charge and collect a fee of \$25 per bond for services  
72 rendered by the clerk for processing of criminal bonds and the fee shall be paid at the time of  
73 issuance by the person or entity set forth below:

74 (1) For cash bonds, the fee shall be paid by the person tendering cash as bond;

75 (2) For recognizance bonds secured by real estate, the fee shall be paid by the owner of  
76 the real estate serving as surety;

77 (3) For recognizance bonds secured by a surety company, the fee shall be paid by the  
78 surety company;

79 (4) For 10 percent recognizance bonds with surety, the fee shall be paid by the person  
80 serving as surety; and

81 (5) For 10 percent recognizance bonds without surety, the fee shall be paid by the person  
82 tendering 10 percent of the bail amount.

83 In instances in which the total of the bond is posted by more than one bond instrument, the  
84 above fee shall be collected at the time of issuance of each bond instrument processed by the  
85 clerk and all fees collected pursuant to this subsection shall be deposited in the Courthouse  
86 Facilities Improvement Fund created by §29-26-6 of this code. Nothing in this subsection  
87 authorizes the clerk to collect the above fee from any person for the processing of a personal  
88 recognizance bond.

89 (f) The clerk of a circuit court shall charge and collect a fee of \$10 for services rendered by  
90 the clerk for processing of bail piece and the fee shall be paid by the surety at the time of issuance.  
91 All fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities  
92 Improvement Fund created by §29-26-6 of this code.

93 (g) No clerk is required to handle or accept for disbursement any fees, costs, or amounts of  
94 any other officer or party not payable into the county treasury except on written order of the court or  
95 in compliance with the provisions of law governing such fees, costs, or accounts.

96 (h) Fees for removal of civil cases from magistrate court shall be collected by the  
97 magistrate court when the case is still properly before the magistrate court. The magistrate court  
98 clerk shall forward the fees collected to the circuit court clerk.

NOTE: The purpose of this bill is to require costs for misdemeanor and felony convictions to be deposited into the West Virginia State Police Forensic Laboratory Fund.

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