

FILED

2004 APR -5 P 3:40

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4294

(By Delegates Cann, Fragale, Iaquina,
Stalnaker, Perry and Varner)



Passed March 11, 2004

In Effect Ninety Days from Passage

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H. B. 4294

(BY DELEGATES CANN, FRAGALE, IAQUINTA,
STALNAKER, PERRY AND VARNER)

[Passed March 11, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §61-3-39h of the code of West Virginia, 1931, as amended, relating to removing the requirement that funds expended from the worthless check fund to pay for additional deputy clerks be proportionate to the time expended on worthless check cases.

Be it enacted by the Legislature of West Virginia:

That §61-3-39h of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

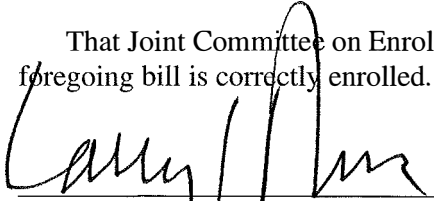
§61-3-39h. Payment of costs in worthless check cases; disposition of certain costs.

1 In any prosecution under sections thirty-nine or thirty-nine-
2 a of this article the costs as may otherwise be imposed against
3 the drawer of any check, draft or order shall be imposed on the
4 person initiating the prosecution if payment of the check, draft
5 or order is accepted by the payee or holder thereof after the
6 filing of a complaint for warrant; if the payee or holder had
7 reason to believe that the check, draft or order would be
8 dishonored or if the same was postdated; or if the matter is
9 dismissed for failure to prosecute.

10 Costs collected by magistrate court for issuance of notice
11 as authorized by section thirty-nine-g of this article may not be
12 paid into the special county fund created by the provisions of
13 section four, article three, chapter fifty of this code, but shall be
14 accounted for separately and retained by the county in a fund
15 designated the "worthless check fund," until the sheriff shall
16 issue warrants in furtherance of the allowable expenses specifi-
17 cally provided for by this section. Such costs may not be
18 included in any calculation of the amount of funds to be
19 retained by the county under the provisions of section four,
20 article three, chapter fifty of this code.

21 A county may, after agreement with the court administra-
22 tor's office of the supreme court of appeals, appropriate and
23 spend from the worthless check fund herein established such
24 sums as shall be necessary to pay or defray the expenses of
25 providing a deputy sheriff to serve warrants for worthless check
26 offenses and to pay or defray the expenses of providing
27 additional deputy clerks in the office of the magistrate court
28 clerk. After payment of these expenses, or after a determination
29 that these services are not necessary, a county may appropriate
30 and spend from the fund the sums necessary to defray the
31 expenses of providing bailiff and service of process services by
32 the sheriff, to defray the cost of acquiring or renting magistrate
33 court offices and providing utilities and telephones therefor to
34 defray the cost of complying with section thirty-nine-i herein
35 and to defray the expenses of such other services which are to
36 be provided to magistrate courts by the county.

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



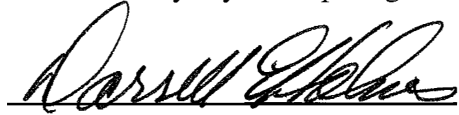
Chairman Senate Committee




Chairman House Committee

Originating in the House.

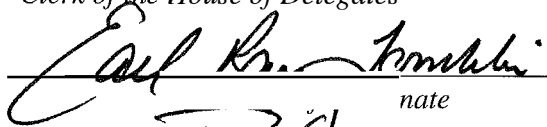
In effect ninety days from passage.



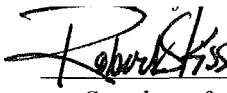
Clerk of the Senate



Clerk of the House of Delegates

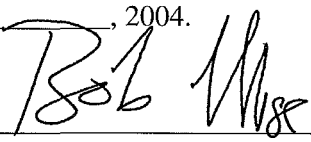


Senate



Speaker of the House of Delegates

The within is approved this the 5th
day of April, 2004.



Governor

PRESENTED TO THE
GOVERNOR

DATE 3/22/04

TIME 10:05 am