

HB 4075 S

FILED

2006 MAR 31 P 2: 44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4075

(By Delegates Michael, Doyle, Kominar,
Cann, H. White, Proudfoot, Stalnaker,
Hall, Ashley, Carmichael and G. White)



Passed March 9, 2006

In Effect from Passage

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E N R O L L E D

H. B. 4075

(BY DELEGATES MICHAEL, DOYLE, KOMINAR,
CANN, H. WHITE, PROUDFOOT, STALNAKER,
HALL, ASHLEY, CARMICHAEL AND G. WHITE)

[Passed March 9, 2006; in effect ^{from} ~~from~~ passage.]

AN ACT to amend and reenact §59-1-28a of the Code of West Virginia, 1931, as amended, relating to the dedication of moneys to the Regional Jail Operations Partial Reimbursement Fund.

Be it enacted by the Legislature of West Virginia:

That §59-1-28a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. FEES AND ALLOWANCES.

§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 equaling
- 5 filing fees received for the institution of actions for divorce,

6 separate maintenance and annulment as prescribed in said
7 subsection, for each civil action instituted under the rules of
8 civil procedure, any statutory summary proceeding, any
9 extraordinary remedy, the docketing of civil appeals or any
10 other action, cause, suit or proceeding in the circuit court the
11 clerk of the court shall, at the end of each month, pay into the
12 funds or accounts described in this subsection an amount equal
13 to the amount set forth in this subsection of every filing fee
14 received for instituting the action as follows:

15 (1) Into the Regional Jail and Correctional Facility Author-
16 ity Fund in the State Treasury established pursuant to the
17 provisions of section ten, article twenty, chapter thirty-one of
18 this code the amount of sixty dollars;

19 (2) Into the Court Security Fund in the State Treasury
20 established pursuant to the provisions of section fourteen,
21 article three, chapter fifty-one of this code the amount of five
22 dollars; and

23 (3) Into the Regional Jail Operations Partial Reimbursement
24 Fund established pursuant to the provisions of section ten-b,
25 article twenty, chapter thirty-one of this code the amount of
26 twenty dollars.

27 (b) For each action for divorce, separate maintenance or
28 annulment instituted in the circuit court, the clerk of the court
29 shall, at the end of each month, report to the Supreme Court of
30 Appeals the number of actions filed by persons unable to pay
31 and pay into the funds or accounts in this subsection an amount
32 equal to the amount set forth in this subsection of every filing
33 fee received for instituting the divorce action as follows:

34 (1) Into the Regional Jail and Correctional Facility Author-
35 ity Fund in the State Treasury established pursuant to the
36 provisions of section ten, article twenty, chapter thirty-one of
37 this code the amount of ten dollars;

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

41 (3) Into the Family Court Fund established under section
42 twenty-two, article two-a, chapter fifty-one of this code an
43 amount of seventy dollars; and

44 (4) Into the Court Security Fund in the State Treasury,
45 established pursuant to the provisions of section fourteen,
46 article three, chapter fifty-one of this code the amount of five
47 dollars.

48 (c) Notwithstanding any provision of subsection (a) or (b)
49 of this section to the contrary, the clerk of the court shall, at the
50 end of each month, pay into the Family Court Fund established
51 under section twenty-two, article two-a, chapter fifty-one of this
52 code an amount equal to the amount of every fee received for
53 petitioning for the modification of an order involving child
54 custody, child visitation, child support or spousal support as
55 determined by subdivision (3), subsection (a), section eleven of
56 this 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 is
60 issued shall, at the end of each month, pay into the Family
61 Court Fund established under section twenty-two, article two-a,
62 chapter fifty-one of this code an amount equal to every fee
63 received pursuant to the provisions of section five hundred
64 eight, article twenty-seven, chapter forty-eight of this code.

65 (e) Of every fee for service received in any criminal case
66 against any respondent convicted in circuit court, the clerk of
67 each circuit court shall, at the end of each month, pay into the
68 Regional Jail and Correctional Facility Authority Fund in the

69 State Treasury an amount equal to forty dollars, into the Court
70 Security Fund in the State Treasury established pursuant to the
71 provisions of section fourteen, article three, chapter fifty-one of
72 this code an amount equal to five dollars and into the Regional
73 Jail Operations Partial Reimbursement Fund established
74 pursuant to the provisions of section ten-b, article twenty,
75 chapter thirty-one of this code an amount equal to thirty dollars.

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

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

86 (h) The clerk of each circuit court shall, at the end of each
87 month, pay into the Regional Jail Operations Partial Reimburse-
88 ment Fund established in the State Treasury pursuant to the
89 provisions of section ten-b, article twenty, chapter thirty-one of
90 this code, those amounts received by the clerk which are
91 dedicated for deposit in the fund.

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




Chairman Senate Committee



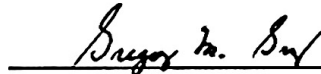
Chairman House Committee

Originating in the House.

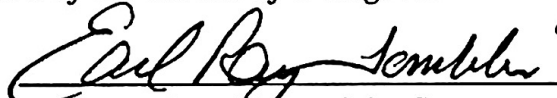
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 31st
day of June, 2006.



Governor

PRESENTED TO THE
GOVERNOR

MAR 23 2006

Time 3:15 pm