

1 **H. B. 2040**

2
3 (By Delegate Doyle)

4 [Introduced January 12, 2011; referred to the
5 Committee on the Judiciary then Finance.]

6 **FISCAL**
7 **NOTE**

8
9
10 A BILL to amend and reenact §50-1-2 of the Code of West Virginia,
11 1931, as amended, relating to increasing the number of
12 magistrates in Jefferson County by one.

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

14 That §50-1-2 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 1. COURTS AND OFFICERS.**

17 **§50-1-2. Number of magistrates.**

18 (a) The number of magistrates to be elected in each county of
19 this state shall be determined in accordance with the provisions of
20 this section.

21 (b) The number of magistrates serving in each county of the
22 state shall comport with the numbers certified by the Supreme Court
23 of Appeals to the ballot commissioners of each county on or before

1 January 31, 2000, for purposes of the primary and general elections
2 to be held in the year 2000.

3 (c) (1) The Legislature finds that there exists among the
4 various counties large and unwarranted disparities of caseload
5 between the magistrate courts. The Legislature further finds that
6 the disparity causes an inequity with regard to magistrate court
7 resources and the ability of the courts to effectively meet the
8 needs of the citizens of this state who need to avail themselves of
9 this judicial resource. The Legislature further finds that the
10 system currently in place for allocating magistrate court resources
11 which has been in effect since the year 1991 produces certain
12 anomalies which cause quadrennial reallocation of magistrate
13 resources based upon said anomalies which in turn cause a waste of
14 funds, inequitable workloads, unnecessary shifting of resources and
15 confusion among the various counties.

16 (2) The office of Legislative Services is hereby directed to
17 undertake a comprehensive study of the magistrate courts of the
18 various counties to determine, among other things, the work
19 performed by various personnel in the magistrate court system, how
20 work time is spent by said employees and to report its findings no
21 later than December 10, 2001, to the Joint Standing Committee on
22 the Judiciary.

23 (3) The Division of Criminal Justice and Highway Safety shall,
24 in conjunction with the administrative office of the West Virginia

1 Supreme Court of Appeals, compile for consideration by the
2 Legislature statistical information and documentation regarding
3 caseloads, cases handled per year per magistrate, cases per county,
4 cases per circuit and provide to the President of the Senate and
5 the Speaker of the House of Delegates no later than the first day
6 of the regular session of the Legislature, 2002, their
7 recommendations for improving the magistrate process, better
8 utilization of court resources, including, but not limited to,
9 categorizing the various types of cases heard in magistrate court
10 and developing a new weighted formula to evaluate types of cases by
11 the amount of time necessary to bring said cases to a resolution.

12 (d) Notwithstanding the other provisions of this section, the
13 allowable number of magistrates serving the counties of Berkeley
14 and Nicholas on March 1, 2001, shall be increased by one in each
15 county, effective July 1, 2001. The initial appointment to the
16 position shall be made in accordance with the provisions of section
17 six of this article.

18 (e) Notwithstanding the other provisions of this section, the
19 allowable number of magistrates serving the county of Jefferson on
20 March 1, 2011, shall be increased by one, effective July 1, 2011.
21 The initial appointment of the position shall be made in accordance
22 with the provisions of section six of this article.

NOTE: The purpose of this bill is to increase the number of magistrates in Jefferson County by one.

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