

H. B. 3089

(By Delegates Moye, Mahan, Kominar, Lawrence, Caputo, Doyle, Longstreth, Manchin, Fleischauer and Frazier)

[Introduced February 10, 2011; referred to the Committee on the Judiciary then Finance.]

**FISCAL NOTE**

A BILL to amend and reenact §50-1-9a of the Code of West Virginia,

1931, as amended, relating to increasing the number of allowable magistrate court deputy clerks; and designating those additional magistrate deputy clerks for Jefferson County, Monongalia County, Nicholas County, Marion County and Raleigh County.

Be it enacted by the Legislature of West Virginia:

That §50-1-9a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. COURTS AND OFFICERS.**

**§50-1-9a. Magistrate court deputy clerks; duties; salary.**

(a) Whenever required by workload and upon the recommendation of the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, the Supreme Court of Appeals may, by rule, provide for the appointment of magistrate court deputy clerks, not to exceed ~~seventy-two~~ seventy-seven in number and, effective upon passage, the number of magistrate court deputy clerks allowed for Jefferson

1 County, Monongalia County, Nicholas County, Marion County and  
2 Raleigh County are increased by one for each county from the number  
3 authorized on January 1, 2011. The magistrate court deputy clerks  
4 shall be appointed by the judge of the circuit court, or the chief  
5 judge if there is more than one judge of the circuit court, to  
6 serve at his or her will and pleasure under the immediate  
7 supervision of the magistrate court clerk.

8 (b) Magistrate court deputy clerks shall have the duties,  
9 clerical or otherwise, as may be assigned by the magistrate court  
10 clerk and as may be prescribed by the rules of the Supreme Court of  
11 Appeals or the judge of the circuit court or the chief judge if  
12 there is more than one judge of the circuit court. Magistrate  
13 court deputy clerks may also exercise the power and perform the  
14 duties of the magistrate court clerk as may be delegated or  
15 assigned by the magistrate court clerk.

16 (c) A magistrate court deputy clerk may not be an immediate  
17 family member of any magistrate, magistrate court clerk, magistrate  
18 assistant or judge of the circuit court within the same county, may  
19 not have been convicted of a felony or any misdemeanor involving  
20 moral turpitude and must reside in this state. For purposes of  
21 this subsection, "immediate family member" means a mother, father,  
22 sister, brother, child or spouse.

23 (d) Magistrate court deputy clerks shall be paid an annual  
24 salary by the state on the same basis and in the same amounts  
25 established for magistrate assistants in each county, as provided

1 in section nine of this article.

NOTE: The purpose of this bill is to increase, by five, the number of magistrate court deputy clerks that may be appointed and provide that the additional deputy clerks be appointed in Jefferson County, Monongalia County, Nicholas County, Marion County and Raleigh County.

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