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Senate Bill No. 467

(By Senators Beach, Kessler (Mr. President), Williams, Sypolt and
Klempa)

[Introduced January 31, 2012; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §50-1-2 of the Code of West Virginia,
1931, as amended, relating to increasing the number of
magistrates in Monongalia County by two.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. COURTS AND OFFICERS.

§50-1-2. Number of magistrates.

- (a) The number of magistrates to be elected in each county of this state shall be determined in accordance with the provisions of this section.
- (b) The number of magistrates serving in each county of the

1 state shall comport with the numbers certified by the Supreme Court
2 of Appeals to the ballot commissioners of each county on or before
3 January 31, 2000, for purposes of the primary and general elections
4 to be held in the year 2000.

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

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

1 the Judiciary.

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

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

21 (e) Notwithstanding the other provisions of this section, the
22 allowable number of magistrates serving the county of Monongalia
23 on March 1, 2012, shall be increased by two, effective July 1,

1 2012. The initial appointments to the positions shall be made in
2 accordance with section six of this article.

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

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