

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 475**

4 (By Senators Chafin, Browning, Williams, Yost and Wills)

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6 [Originating in the Committee on the Judiciary;

7 reported February 16, 2012.]
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12 A BILL to amend and reenact §50-1-9a of the Code of West Virginia,
13 1931, as amended, relating to adding additional magistrate
14 court deputy clerks.

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

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

18 **ARTICLE 1. COURTS AND OFFICERS.**

19 **§50-1-9a. Magistrate court deputy clerks; duties; salary.**

20 (a) Whenever required by workload and upon the recommendation
21 of the judge of the circuit court, or the chief judge of the
22 circuit court if there is more than one judge of the circuit court,
23 the Supreme Court of Appeals may, by rule, provide for the
24 appointment of magistrate court deputy clerks, not to exceed

1 ~~seventy-two~~ eighty-two in number. The magistrate court deputy
2 clerks shall be appointed by the judge of the circuit court, or the
3 chief judge if there is more than one judge of the circuit court,
4 to serve at his or her will and pleasure under the immediate
5 supervision of the magistrate court clerk.

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

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

21 (d) Magistrate court deputy clerks shall be paid an annual
22 salary by the state on the same basis and in the same amounts
23 established for magistrate assistants in each county, as provided
24 in section nine of this article.