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H. B. 2882

By Delegates Frich, Statler, Pasdon, Kurcaba, Fleischauer and Manchin)

[Introduced February 23, 2015; referred to the

Committee on Political Subdivisions then the Judiciary.]

**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 one.

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

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

10 (2) The office of Legislative Services is hereby directed to undertake a comprehensive study
11 of the magistrate courts of the various counties to determine, among other things, the work
12 performed by various personnel in the magistrate court system, how work time is spent by said
13 employees and to report its findings no later than December 10, 2001, to the joint standing
14 committee on the judiciary.

15 (3) The division of criminal justice and highway safety shall, in conjunction with the
16 administrative office of the West Virginia Supreme Court of Appeals, compile for consideration by
17 the Legislature statistical information and documentation regarding caseloads, cases handled per year
18 per magistrate, cases per county, cases per circuit and provide to the President of the Senate and the
19 Speaker of the House of Delegates no later than the first day of the 2002 regular session of the
20 Legislature, their recommendations for improving the magistrate process, better utilization of court
21 resources, including, but not limited to, categorizing the various types of cases heard in magistrate
22 court and developing a new weighted formula to evaluate types of cases by the amount of time

1 necessary to bring said cases to a resolution.

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

6 (e) Notwithstanding the other provisions of this section, the allowable number of magistrates
7 serving the county of Monongalia on March 1, 2015, shall be increased by one, effective July 1,
8 2015. The initial appointment to the position shall be made in accordance with the provisions of
9 section six of this article.

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

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