

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

**Introduced**

### **House Bill 4538**

**FISCAL  
NOTE**

BY DELEGATES PACK, COOPER, ADKINS, MOYE AND

BATES

[Introduced February 13, 2018; Referred  
to the Committee on the Judiciary then Finance.]

1 A BILL to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating  
2 to adding a magistrate position to serve Raleigh County and providing for the initial  
3 appointment of this additional magistrate.

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

**ARTICLE 1. COURTS AND OFFICERS.**

**§50-1-2. Number of magistrates.**

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

3 (b) The number of magistrates serving in each county of the state shall comport with the  
4 numbers certified by the Supreme Court of Appeals to the ballot commissioners of each county  
5 on or before January 31, 2000, for purposes of the primary and general elections to be held in the  
6 year 2000.

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

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

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

30           (d) Notwithstanding the other provisions of this section, the allowable number of  
31 magistrates serving the counties of Berkeley and Nicholas on March 1, 2001, shall be increased  
32 by one in each county, effective July 1, 2001, and the allowable number of magistrates serving  
33 Raleigh County shall be increased by one, effective July 1, 2018. The initial ~~appointment~~  
34 appointments to the position to these positions shall be made in accordance with the provisions  
35 of §50-1-6 of this code.

NOTE: The purpose of this bill is to add a magistrate to serve Raleigh County.

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