

# WEST VIRGINIA LEGISLATURE

## 2019 REGULAR SESSION

Introduced

### Senate Bill 42

FISCAL  
NOTE

BY SENATOR TRUMP

[Introduced January 9, 2019; Referred  
to the Committee on the Judiciary; and then to the  
Committee on Finance]

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

*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 Senate~~  
25 ~~and the Speaker of the House of Delegates no later than the first day of the 2002 regular session~~  
26 ~~of the Legislature, their recommendations for improving the magistrate process, better utilization~~  
27 ~~of court resources, including, but not limited to, categorizing the various types of cases heard in~~  
28 ~~magistrate court and developing a new weighted formula to evaluate types of cases by the amount~~  
29 ~~of time necessary to bring said cases to a resolution~~

30 ~~(d)~~ (c) 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. The initial appointment to the position shall be made  
33 in accordance with the provisions of §50-1-6 of this code.

34 (d) Notwithstanding the other provisions of this section, the allowable number of  
35 magistrates serving the county of Berkeley on March 1, 2018, shall be increased by two, effective  
36 July 1, 2019. The initial appointment to the position shall be made in accordance with the  
37 provisions of §50-1-6 of this code.

NOTE: The purpose of this bill is to increase by two the number of magistrates serving Berkeley 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.