

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3071

**FISCAL
NOTE**

BY DELEGATE HIGGINBOTHAM

[Introduced March 11, 2021; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating
2 to adding one to the number of magistrates serving Putnam 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) 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 (e) Notwithstanding the other provisions of this section, the allowable number of
35 magistrates serving Putnam County on March 1, 2021, shall be increased by one effective July
36 1, 2021. The initial appointment to the position shall be made in accordance with the provisions
37 of §50-1-6 of this code.

NOTE: The purpose of this bill is to add an additional magistrate serving Putnam 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.