

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 573**

BY SENATORS TRUMP AND WELD

[Passed March 11, 2022; in effect 90 days from passage]



1 AN ACT to amend and reenact §50-1-13 of the Code of West Virginia, 1931, as amended, relating  
2 to requesting the Chief Justice of the Supreme Court of Appeals develop a rule creating a  
3 system in which magistrates may be assigned on a temporary rotating basis outside the  
4 county of their election or appointment to preside over initial appearances, petitions for  
5 domestic violence, emergency protective orders, emergency mental hygiene petitions,  
6 emergency juvenile delinquency petitions, and applications for issuance of search  
7 warrants in counties in which he or she was not elected or appointed during non-court  
8 hours; granting the court authority to organize the system on a circuit-wide or regional  
9 basis as the court chooses; clarifying that magistrates may preside remotely if the  
10 Supreme Court of Appeals determines it appropriate; and eliminating antiquated  
11 language.

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

**ARTICLE 1. COURTS AND OFFICERS.**

**§50-1-13. Temporary service within or outside of county.**

1 (a) The Chief Justice of the Supreme Court of Appeals or judge of the circuit court of the  
2 county in which a magistrate is elected, or the chief judge thereof if there is more than one judge  
3 of the circuit court, may order a magistrate to serve temporarily at locations within the county other  
4 than at the regular office or offices of the magistrate.

5 (b) The Chief Justice of the Supreme Court of Appeals or judge of the circuit court of the  
6 county in which a magistrate is elected, or the chief judge thereof if there is more than one judge  
7 of the circuit court, may by order direct a magistrate to serve temporarily in any other county within  
8 the judicial circuit for any purposes directed by the judge. The magistrate's authority, to the extent  
9 ordered by the judge, shall be equal to the jurisdiction and authority of a magistrate elected in the  
10 county to which the magistrate is ordered to serve. The temporary assignment may not exceed  
11 60 days in length in any given calendar year, except with the consent of the transferred magistrate.

12           (c) A magistrate serving outside the county in which he or she is elected or appointed shall  
13 be reimbursed for reasonable expenses incurred in service outside of the county, as provided by  
14 rule of the Supreme Court of Appeals.

15           (d) The Supreme Court of Appeals is requested to develop a rule creating a system in  
16 which magistrates shall, on a periodic alternating basis, be assigned to preside over initial  
17 appearances, petitions for domestic violence, emergency protective orders, emergency mental  
18 health petitions, emergency juvenile delinquency petitions, and applications for the issuance of  
19 search warrants arising outside normal court hours on a circuit-wide or other regional basis as  
20 determined by the Supreme Court of Appeals. The authority of that magistrate shall be equal to  
21 the jurisdiction and authority of a magistrate elected or appointed in any county in which he or she  
22 is directed to preside.

23           (e) Nothing in this section should be construed to prohibit proceedings authorized by  
24 subsection (d) of this section being held remotely if that is determined appropriate by the Supreme  
25 Court of Appeals.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*