WEST VIRGINIA CODE: §59-1-28A

§59-1-28a. Disposition of filing fees in civil actions and fees for services in criminal cases.

(a) Except for those payments to be made from amounts equaling filing fees received for the institution of divorce actions as prescribed in §59-1-28a(b) of this code, and except for those payments to be made from amounts equaling filing fees received for the institution of actions for divorce, separate maintenance, and annulment as prescribed in §59-1-28a(b) of this code, for each civil action instituted under the rules of civil procedure, any statutory summary proceeding, any extraordinary remedy, the docketing of civil appeals, or any other action, cause, suit, or proceeding in the circuit court the clerk of the court shall, at the end of each month, pay into the funds or accounts described in this subsection an amount equal to the amount set forth in this subsection of every filing fee received for instituting the action as follows:

(1) Into the Regional Jail and Correctional Facility Authority Fund in the State Treasury established pursuant to the provisions of §31-20-10 of this code the amount of $60;

(2) Into the Court Security Fund in the State Treasury established pursuant to the provisions of §51-3-14 of this code the amount of $5; and

(3) Into the Regional Jail Operations Partial Reimbursement Fund established pursuant to the provisions of §31-20-10b of this code the amount of $20.

(b) For each action for divorce, separate maintenance, or annulment instituted in the circuit court, the clerk of the court shall, at the end of each month, report to the Supreme Court of Appeals the number of actions filed by persons unable to pay and pay into the funds or accounts in this subsection an amount equal to the amount set forth in this subsection of every filing fee received for instituting the divorce action as follows:

(1) Into the Regional Jail and Correctional Facility Authority Fund in the State Treasury established pursuant to the provisions of §31-20-10 of this code the amount of $10;

(2) Into the special revenue account of the State Treasury established pursuant to §48-2-604 of this code an amount of $30;

(3) Into the Family Court Fund established under §51-2A-22 of this code an amount of $70; and

(4) Into the Court Security Fund in the State Treasury established pursuant to the provisions of §51-3-14 of this code the amount of $5.

(c) Notwithstanding any provision of §59-1-28a(a) or §59-1-28a(b) of this code to the

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contrary, the clerk of the court shall, at the end of each month, pay into the Family Court Fund established under §51-2A-22 of this code an amount equal to the amount of every fee received for petitioning for the modification of an order involving child custody, child visitation, child support, or spousal support as determined by §59-1-11(a)(4) of this code and for petitioning for an expedited modification of a child support order as provided in §59-1-11(a)(5) of this code.

(d) The clerk of the court from which a protective order is issued shall, at the end of each month, pay into the Family Court Fund established under §51-2A-22 of this code an amount equal to every fee received pursuant to the provisions of §48-27-508 of this code.

(e) Of every fee for service received in any criminal case against any respondent convicted in circuit court, the clerk of each circuit court shall, at the end of each month, pay into the Regional Jail and Correctional Facility Authority Fund in the State Treasury an amount equal to $40, into the Court Security Fund in the State Treasury established pursuant to the provisions of §51-3-14 of this code an amount equal to $5, and into the Regional Jail Operations Partial Reimbursement Fund established pursuant to the provisions of §31-20-10b of this code an amount equal to $30.

(f) The clerk of the circuit court shall, at the end of each month, pay into the Patient Injury Compensation Fund established under §29-12D-1 et seq. of this code, an amount equal to $285 of every filing fee received for instituting a medical professional liability action: Provided, That the payments into the Patient Injury Compensation Fund required by this subsection shall cease following payment by the clerk based on filing fees received through December 31, 2021.

(g) The clerk of the circuit court shall, at the end of each month, pay into the Courthouse Facilities Improvement Fund created by §29-26-6 of this code those amounts received by the clerk which are dedicated for deposit in the fund.

(h) The clerk of each circuit court shall, at the end of each month, pay into the Regional Jail Operations Partial Reimbursement Fund established in the State Treasury pursuant to the provisions of §31-20-10b of this code those amounts received by the clerk which are dedicated for deposit in the fund.

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