ENROLLED

Com. Sub. for
SENATE BILL No. 6

Originating in the
(By Mr. Committee on
the Judiciary

PASSED March 9, 1949

In Effect July 1, 1949... Passage

#6
AN ACT to amend and reenact section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter forty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relating to assistants and stenographers or clerks for prosecuting attorneys; salaries; and when the court may appoint attorney to prosecute.

Be it enacted by the Legislature of West Virginia:

That section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter forty-seven, acts of the
Legislature, regular session, one thousand nine hundred forty-seven, be amended and reenacted to read as follows:

Article 7. Salaries; Deputies and Assistants and Their Salaries.

Section 6. Assistants, Stenographers and Clerks for
Prosecuting Attorney; Salaries; When Court May Appoint Attorney to Prosecute.—Any prosecuting attorney may, with the assent of the county court of his county, entered of record, except as hereinafter provided, appoint one (and Ohio county, three, and Harrison, Kanawha, Fayette, Raleigh, Cabell and McDowell counties two each) practicing attorney to assist him in the discharge of his official duties for and during his term of office, and such assistant shall take the same oath and may perform the same duties as his principal; and he may be removed from office as such at any time by his principal; and further he may be removed from his office as such assistant by the circuit court of the county in which he is appointed, for any cause for which his principal might be removed. The compensation of such assistant shall be paid by the principal, except in the counties of Barbour, Berkeley, Boone, Brooke, Cabell, Calhoun, Clay, Fayette, Harrison, Han-
cock, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall,
Mason, McDowell, Mercer, Mineral, Mingo, Monongalia,
Nicholas, Ohio, Putnam, Raleigh, Randolph, Summers,
Taylor, Upshur, Wayne, Webster, Wetzel, Wood and
Wyoming, and in the said counties the county court there-
of shall allow annually to such assistants such compen-
sation to be paid out of the county treasury as is deemed
reasonable by the court, except that in Hancock county
the salary of such assistant shall not be less than one
thousand two hundred dollars nor more than one thou-
sand eight hundred dollars; in Ohio county for the first
assistant, three thousand six hundred dollars, for the sec-
ond assistant three thousand dollars and for the third as-
sistant two thousand dollars; in Kanawha county for the
first assistant, not less than five thousand nor more than
six thousand dollars, and for the second assistant not less
than five thousand nor more than six thousand dollars; in
Cabell county for the first assistant four thousand dollars,
and for the second assistant three thousand dollars; in
McDowell county, not less than three thousand dollars
nor more than three thousand six hundred dollars for each
assistant; in Marion county, not less than three thousand
six hundred nor more than four thousand two hundred
dollars; in Raleigh county, four thousand two hundred dol-
lars; in Mingo county, not to exceed four thousand dollars;
in Harrison county, not less than one thousand five hun-
dred nor more than four thousand five hundred dollars; in
Mercer county, four thousand two hundred dollars; in
Summers and Wood counties, not less than one thousand
nor more than two thousand dollars; in Logan county, not
less than three thousand dollars nor more than three thou-
sand six hundred dollars; in Fayette county for the first as-
sistant, not less than three thousand six hundred nor more
than four thousand two hundred dollars, and for the sec-
ond assistant not to exceed two thousand eight hundred
dollars; in Boone and Wyoming counties, not less than one
thousand two hundred nor more than two thousand four
hundred dollars; in Barbour county, one thousand dollars;
in Monongalia county, three thousand dollars; in Wayne
county, two thousand five hundred dollars; in Berkeley
and Lincoln counties, not to exceed one thousand eight
hundred dollars; in Lewis, Marshall, Mineral, Nicholas and
Upshur counties, not to exceed twelve hundred dollars, and in Randolph county not to exceed two thousand four hundred dollars; in Webster and Wetzel counties, not less than six hundred nor more than nine hundred dollars; in Taylor county, not to exceed six hundred dollars; in Putnam county, one thousand two hundred dollars; and Calhoun county, three hundred dollars. In each case such compensation shall include the compensation provided by law for such assistant’s services as attorney for boards of education, and other administrative boards and officers of the county.

In any case in which it would, in the opinion of the court, be improper for the prosecuting attorney and his assistant (if he has one), to act, or if the prosecuting attorney and his assistant be unable to act, such court shall appoint some competent practicing attorney to prosecute such cases; and upon the performance of the service for which he was appointed; the court shall certify that fact, with its opinion of what would be a reasonable allowance to such attorney for the service rendered, to the county court of the county, and such sum, when allowed by the county court, shall be
paid out of the county treasury: Provided, That nothing in this section shall be construed to prohibit the employment by any person of a competent attorney or attorneys to assist in the prosecution of any person or corporation charged with crime.

In each of the counties herein named, except Harrison, Cabell, Wayne and Fayette and including Greenbrier, Hampshire, Pocahontas, Putnam, Ritchie and Upshur, the prosecuting attorney may employ a stenographer for his office at a salary, payable out of the county treasury, of not less than nine hundred nor more than two thousand dollars per annum; except, the annual salary of such stenographer in Barbour, Pocahontas and Taylor counties shall not exceed one thousand two hundred dollars; in Calhoun, Putnam and Upshur counties, shall not exceed nine hundred dollars; in Hampshire and Ritchie counties shall not be less than one thousand dollars nor more than twelve hundred dollars; in Berkeley and Lewis counties, shall not be less than six hundred dollars, nor exceed one thousand five hundred dollars; in Monongalia county, shall be two thousand one hundred dollars; in Boone county,
shall be one thousand eight hundred dollars; and in Braxton county, shall be twelve hundred twenty dollars; in Webster county, shall be nine hundred dollars; in Gilmer county, shall not exceed nine hundred dollars: Provided,

That in each of the last two named counties the prosecuting attorney may not employ a stenographer except with the consent of the county court entered of record.

In the county of Jefferson the prosecuting attorney may employ a stenographer for his office at a salary of not more than one thousand dollars per annum, payable out of the county treasury to be fixed by the said prosecuting attorney of said county of Jefferson.

In the county of Harrison, the prosecuting attorney may employ two stenographers for his office at a salary for each stenographer of not less than nine hundred nor more than two thousand dollars per annum, payable out of the county treasury.

In the county of Cabell the prosecuting attorney may employ two stenographers for his office, one at a salary of two thousand four hundred dollars per year and one at
a salary of one thousand two hundred dollars per year, payable out of the county treasury.

In the county of Clay, the prosecuting attorney may employ a clerk or stenographer for his office at a salary of one thousand two hundred dollars per annum, payable out of the county treasury; except, that in lieu of the appointment of such clerk or stenographer, the prosecuting attorney may employ a practicing attorney of said county as his assistant at a salary of not less than one thousand nor more than one thousand five hundred dollars per annum, payable out of the county treasury.

In the counties of Mingo and Preston, the prosecuting attorney may employ one stenographer for his office at a salary not to exceed three thousand six hundred dollars per annum for the county of Mingo and one thousand eight hundred dollars per annum for the county of Preston, payable out of the county treasury.

In the county of Jackson, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of not to exceed nine hundred dollars per annum, payable out of the county treasury.
In the county of Mercer, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of not to exceed the sum of two thousand four hundred dollars per annum, payable out of the county treasury.

In the counties of Hardy and Grant, the prosecuting attorney may employ one stenographer or clerk for his office at a salary not to exceed seven hundred twenty dollars per annum, payable out of the county treasury as salaries of county officials are paid.

In the county of Wyoming, the prosecuting attorney may employ one stenographer at a salary to be fixed by the county court and payable out of the treasury of said county, and in the counties of Mason and Roane the prosecuting attorney may employ one stenographer at a salary of not less than eleven hundred dollars nor more than fifteen hundred dollars per annum, payable out of the treasury of said county.

In the county of Kanawha the prosecuting attorney may employ one stenographer at a salary not to exceed three thousand dollars per annum to be fixed by the county court and payable out of the treasury of said county.
In the county of Hancock, the prosecuting attorney may employ one stenographer at a salary of not more than two thousand four hundred dollars per annum, payable out of the treasury of said county.

In the county of Wayne, the prosecuting attorney may employ one stenographer at a salary of not less than twenty-four hundred dollars nor more than twenty-seven hundred dollars per annum, to be fixed by the county court and payable out of the treasury of the county.

In the county of Randolph the prosecuting attorney may employ one stenographer at a salary of not less than one thousand five hundred dollars per annum and not more than two thousand dollars per annum to be fixed by the county court and payable out of the treasury of said county.

In the county of Fayette the prosecuting attorney may employ one stenographer at a salary of not to exceed twenty-four hundred dollars per year to be fixed by the county court and payable out of the treasury of said county.

In the county of McDowell, the prosecuting attorney may employ one stenographer at a salary of not less than
one thousand five hundred dollars nor more than two
thousand four hundred dollars per year to be fixed by the
county court and payable out of the treasury of such
county.

The prosecuting attorney may employ a clerk or a
stenographer for his office in the counties of Tyler,
Wetzel and Marshall at an annual salary not to exceed
the following: In the county of Tyler, nine hundred dol-
lars; in the county of Wetzel, eighteen hundred dollars;
in the county of Marshall, eighteen hundred dollars, pay-
able out of the treasury of the respective counties.

In the county of Lincoln, the prosecuting attorney may
employ one stenographer or clerk for his office at a sal-
ary of not to exceed the sum of two thousand two hundred
dollars per annum, payable out of the county treasury.

In the county of Logan, the prosecuting attorney may
employ one stenographer for his office at a salary of not
to exceed the sum of two thousand seven hundred dol-
lars per annum, payable out of the county treasury.

In the county of Marion, the prosecuting attorney may
employ one stenographer at a salary not to exceed two
thousand four hundred dollars per annum, payable out of the county treasury.

In the county of Raleigh, the prosecuting attorney may employ one stenographer at a salary not to exceed three thousand dollars per annum, payable out of the county treasury.

In the county of Ohio, the prosecuting attorney may employ one stenographer for his office at a salary of not to exceed two thousand four hundred dollars per annum, payable out of the county treasury.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1949

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 24th
day of March, 1949.

Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 15 1949

D. Pitt O'Brien,

Secretary of State