

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961



445

ENROLLED

HOUSE BILL No. 445.....

(By Mr. Singleton & Miss Iopie)



PASSED March 16, 1961

In Effect July 1, 1961. Passage

Filed in Office of the Secretary of State
of West Virginia

MAR 17 1961

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

House Bill No. 445

(By MR. SPEAKER, MR. SINGLETON and MISS TSAPIS)

[Passed March 11, 1961; in effect July 1, 1961.]

AN ACT to amend and reenact section six, sections six-(one) through six-(fifty-five), inclusive, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to salaries of assistant prosecuting attorneys, stenographers and clerks for prosecuting attorneys.

Be it enacted by the Legislature of West Virginia:

That section six, sections six-(one) through six-(fifty-five), inclusive, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

Section 6. *Assistants, Stenographers and Clerks for*
2 *Prosecuting Attorney; Salaries; When Court May Appoint*
3 *Attorney to Prosecute.*—The prosecuting attorneys of the
4 several counties of the state may, with the assent of the

5 county courts of their respective counties, entered of rec-
6 ord, appoint to assist them in the discharge of their offi-
7 cial duties for and during their respective terms of office,
8 the number of practicing attorneys, stenographers and
9 clerks set forth in sections six-(one) through six-(fifty-
10 five), inclusive, of this article. Each such assistant prose-
11 cuting attorney shall take the same oath and may perform
12 the same duties as his principal. Each assistant shall serve
13 at the will and pleasure of his principal and he may be
14 removed from office by the circuit court of the county in
15 which he is appointed for any cause for which his principal
16 might be removed.

17 If in any case the prosecuting attorney and his assistant
18 be unable to act, or if in the opinion of the court it would
19 be improper for him or his assistant to act, the court shall
20 appoint some competent practicing attorney to act in such
21 case. The court shall certify to the county court the per-
22 formance of such service when completed and recommend
23 to the county court a reasonable allowance for such at-
24 torney for such service, and such sum, when allowed by
25 the county court, shall be paid out of the county treasury.

26 No provision of this section shall be construed to prohibit
27 the employment by any person of a competent attorney
28 or attorneys to assist in the prosecution of any person or
29 corporation charged with crime.

30 The county courts of the several counties shall com-
31 pensate the assistant prosecuting attorneys, stenographers
32 and clerks of their respective counties in accordance with
33 the following annual salary provisions:

34 (1) In counties for which definite salaries are fixed by
35 provisions of sections six-(one) through six-(fifty-five),
36 inclusive, of this article, such definite salaries shall be
37 paid.

38 (2) In counties for which minimum and maximum
39 salary limits are fixed by provisions of sections six-(one)
40 through six-(fifty-five), inclusive, of this article, the sal-
41 aries shall be fixed and paid within such limits.

42 (3) In the counties for which salaries are not fixed and
43 limited by provisions of sections six-(one) through six-
44 (fifty-five), inclusive, of this article, reasonable salaries
45 shall be fixed and paid by the respective county courts.

46 Such salaries and compensation shall be paid monthly,

47 semi-monthly or otherwise as provided by law. In any
48 case wherein provision is not made in this article for
49 payment of the salary of an assistant prosecuting attor-
50 ney, the principal shall pay and compensate such assistant
51 for services rendered. The compensation and salaries to
52 be paid assistant attorneys as provided in this article shall
52 include compensation provided by law for such assistant's
53 services as attorney for the county board of education and
54 other administrative boards and officers of his county.

Sec. 6-(1). *Same—Barbour County.*—For the county of
2 Barbour, one assistant attorney, one thousand dollars; one
3 stenographer, not less than one thousand two hundred
4 nor more than one thousand eight hundred dollars.

Sec. 6-(2). *Same—Berkeley County.*—For the county
2 of Berkeley, one assistant attorney, not more than two
3 thousand four hundred dollars; one stenographer, not
4 more than two thousand four hundred dollars.

Sec. 6-(3). *Same—Boone County.*—For the county of
2 Boone, one assistant attorney, three thousand four hun-
3 dred dollars; one stenographer at two thousand eight
4 hundred dollars.

Sec. 6-(4). *Same—Braxton County.*—For the county of
2 Braxton, one assistant attorney; one stenographer at one
3 thousand eight hundred dollars.

Sec. 6-(5). *Same—Brooke County.*—For the county of
2 Brooke, one assistant attorney, three thousand dollars; one
3 stenographer, not less than one thousand five hundred nor
4 more than two thousand seven hundred dollars.

Sec. 6-(6). *Same—Cabell County.*—For the county of
2 Cabell, three assistant attorneys, not more than six thou-
3 sand five hundred dollars each; two stenographers not
4 more than four thousand dollars each.

Sec. 6-(7). *Same—Calhoun County.*—For the county of
2 Calhoun, one assistant attorney, three hundred dollars;
3 one stenographer, at not more than one thousand five hun-
4 dred dollars.

Sec. 6-(8). *Same—Clay County.*—For the county of
2 Clay, one assistant attorney; one clerk or stenographer or
3 in lieu thereof one practicing attorney, not less than one
4 thousand nor more than one thousand eight hundred dol-
5 lars.

Sec. 6-(9). *Same—Doddridge County.*—For the county

2 of Doddridge, one assistant attorney; one stenographer,
3 not more than one thousand eight hundred dollars.

Sec. 6-(10). *Same—Fayette County.*—For the county of
2 Fayette, first assistant attorney, five thousand three hun-
3 dred dollars; second assistant attorney, four thousand four
4 hundred dollars; one stenographer at a salary to be fixed
5 by the county court.

Sec. 6-(11). *Same—Gilmer County.*—For the county of
2 Gilmer, one assistant attorney; one stenographer, not
3 more than one thousand two hundred dollars.

Sec. 6-(12). *Same—Grant County.*—For the county of
2 Grant; one assistant attorney; one stenographer or clerk,
3 not more than one thousand five hundred dollars.

Sec. 6-(13). *Same—Greenbrier County.*—For the coun-
2 ty of Greenbrier, one assistant attorney; one stenographer,
3 not more than two thousand nine hundred forty dollars.

Sec. 6-(14). *Same—Hampshire County.*—For the coun-
2 ty of Hampshire, one assistant attorney; one stenographer,
3 not less than one thousand two hundred nor more than
4 two thousand dollars.

Sec. 6-(15). *Same—Hancock County.*—For the county

2 Hancock, one assistant attorney, not less than three thou-
3 sand nor more than three thousand nine hundred dollars;
4 one stenographer, not more than three thousand dollars.

Sec. 6-(16). *Same—Hardy County.*—For the county of
2 Hardy, one assistant attorney; one stenographer or one
3 clerk at a salary fixed by the prosecuting attorney, not to
4 exceed one thousand five hundred dollars.

Sec. 6-(17). *Same—Harrison County.*—For the county
2 of Harrison, first assistant attorney, six thousand five hun-
3 dred dollars; second assistant attorney, five thousand five
4 hundred dollars; two stenographers, not less than nine
5 hundred dollars nor more than three thousand six hun-
6 dred dollars for each.

Sec. 6-(18). *Same—Jackson County.*—For the county
2 of Jackson, one assistant attorney, not less than six hun-
3 dred nor more than one thousand two hundred dollars;
4 one stenographer, not less than one thousand six hundred
5 dollars nor more than two thousand two hundred dollars.

Sec. 6-(19). *Same—Jefferson County.*—For the county
2 of Jefferson, the prosecuting attorney may employ a ste-
3 nographer for his office at a salary of not less than one

4 thousand eight hundred dollars nor more than two thou-
5 sand eight hundred dollars per annum, payable out of the
6 county treasury to be fixed by the said prosecuting at-
7 torney of said county of Jefferson.

Sec. 6-(20). *Same—Kanawha County.*—For the county
2 of Kanawha, first assistant attorney, not less than six
3 thousand nor more than nine thousand six hundred dol-
4 lars, three assistant attorneys, not less than six thousand
5 nor more than nine thousand dollars each, and stenog-
6 raphers and clerks at a salary to be fixed by the county
7 court payable out of the county treasury of said county of
8 Kanawha.

Sec. 6-(21). *Same—Lewis County.*—For the county of
2 Lewis, one assistant attorney, not more than one thousand
3 eight hundred dollars; one stenographer, not less than six
4 hundred nor more than one thousand eight hundred dol-
5 lars.

Sec. 6-(22) *Same—Lincoln County.*—For the county of
2 Lincoln, one assistant attorney, not more than three thou-
3 sand six hundred dollars; one stenographer or clerk, not
4 more than three thousand dollars.

Sec. 6-(23). *Same—Logan County.*—For the county of

2 Logan, one assistant attorney, at six thousand five hun-
3 dred dollars; one stenographer, not more than three thou-
4 sand nine hundred dollars; second stenographer, not more
5 than three thousand three hundred dollars.

Sec. 6-(24). *Same—Marion County.*—For the county of
2 Marion, two assistant attorneys, not less than four thou-
3 sand six hundred nor more than five thousand two hun-
4 dred dollars for each; one stenographer, not more than
5 three thousand dollars.

Sec. 6-(25). *Same—Marshall County.*—For the county
2 of Marshall, one assistant attorney, at two thousand four
3 hundred dollars; one stenographer or clerk, not less than
4 two thousand eight hundred nor more than three thou-
5 sand three hundred dollars.

Sec. 6-(26). *Same—Mason County.*—For the county of
2 Mason, one assistant attorney, not less than one thousand
3 five hundred nor more than two thousand dollars; one
4 stenographer, not less than one thousand five hundred
5 nor more than two thousand dollars.

Sec. 6-(27). *Same—McDowell County.*—For the coun-
2 ty of McDowell, first assistant attorney, not less than three

3 thousand nor more than five thousand four hundred dol-
4 lars; second assistant attorney, not less than three thou-
5 sand nor more than five thousand dollars; one stenog-
6 rapher, not less than three thousand three hundred nor
7 more than three thousand six hundred dollars.

Sec. 6-(28). *Same—Mercer County.*—For the county of
2 Mercer, one assistant attorney, at five thousand five hun-
3 dred dollars; one stenographer or clerk, not more than
4 three thousand three hundred dollars.

Sec. 6-(29). *Same—Mineral County.*—For the county
2 of Mineral, one assistant attorney, not more than one
3 thousand two hundred dollars; one stenographer, not
4 more than three thousand dollars.

Sec. 6-(30). *Same—Mingo County.*—For the county of
2 Mingo, one assistant attorney, not more than four thou-
3 sand five hundred dollars; one stenographer, not more
4 than four thousand two hundred dollars.

Sec. 6-(31). *Same—Monongalia County.*—For the coun-
2 ty of Monongalia, one assistant attorney, at four thousand
3 dollars; one stenographer, not less than two thousand four

4 hundred nor more than three thousand six hundred dol-
5 lars.

Sec. 6-(32). *Same—Monroe County.*—For the county of
2 Monroe, one assistant attorney; one stenographer, not
3 more than six hundred dollars.

Sec. 6-(33). *Same—Morgan County.*—For the county of
2 Morgan, one assistant attorney.

Sec. 6-(34). *Same—Nicholas County.*—For the county
2 of Nicholas, one assistant attorney, not more than one
3 thousand two hundred dollars; one stenographer or clerk,
4 at a salary to be fixed by the county court.

Sec. 6-(35). *Same—Ohio County.*—For the county of
2 Ohio, first assistant attorney, at five thousand dollars;
3 second assistant attorney, at four thousand dollars; third
4 assistant attorney, at four thousand dollars; one stenog-
5 rapher, not more than three thousand three hundred dol-
6 lars; second stenographer, not more than one thousand
7 two hundred dollars.

Sec. 6-(36). *Same—Pendleton County.*—For the coun-
2 ty of Pendleton, one assistant attorney; one stenographer

3 or clerk, not more than one thousand five hundred dol-
4 lars.

Sec. 6-(37). *Same—Pleasants County.*—For the county
2 of Pleasants, one stenographer, not more than two thou-
3 sand four hundred dollars.

Sec. 6-(38). *Same—Pocahontas County.*—For the coun-
2 ty of Pocahontas, one assistant attorney; one stenographer,
3 not more than two thousand one hundred dollars.

Sec. 6-(39). *Same—Preston County.*—For the county of
2 Preston, one assistant attorney at a salary not exceeding
3 three thousand dollars; one stenographer, not more than
4 three thousand dollars.

Sec. 6-(40). *Same—Putnam County.*—For the county of
2 Putnam, one assistant attorney, not more than three thou-
3 sand dollars; one stenographer, not more than three thou-
4 sand dollars.

Sec. 6-(41). *Same—Raleigh County.*—For the county of
2 Raleigh, one assistant attorney, at five thousand four hun-
3 dred dollars; one stenographer, not more than three thou-
4 sand six hundred dollars.

Sec. 6-(42). *Same—Randolph County.*—For the county

2 of Randolph, one assistant attorney, not more than three
3 thousand six hundred dollars; one stenographer, not less
4 than two thousand seven hundred nor more than three
5 thousand six hundred dollars.

Sec. 6-(43). *Same—Ritchie County.*—For the county of
2 Ritchie, one assistant attorney; one stenographer, not less
3 than one thousand two hundred dollars nor more than
4 one thousand eight hundred dollars.

Sec. 6-(44). *Same—Roane County.*—For the county of
2 Roane, one assistant attorney; one stenographer, not less
3 than one thousand five hundred nor more than two thou-
4 sand four hundred dollars.

Sec. 6-(45). *Same—Summers County.*—For the county
2 of Summers, one assistant attorney, not less than one
3 thousand nor more than two thousand dollars; one ste-
4 nographer, not less than one thousand five hundred nor
5 more than three thousand dollars.

Sec. 6-(46). *Same—Taylor County.*—For the county of
• 2 Taylor, one assistant attorney; one stenographer, not less
3 than one thousand two hundred nor more than three thou-
4 sand dollars.

Sec. 6-(47). *Same—Tucker County.*—For the county of
2 Tucker, one assistant attorney.

Sec. 6-(48). *Same—Tyler County.*—For the county of
2 Tyler, one assistant attorney; one stenographer, not more
3 than one thousand eight hundred dollars.

Sec. 6-(49). *Same—Upshur County.*—For the county
2 of Upshur, one assistant attorney, not more than one thou-
3 sand two hundred dollars; one stenographer, not more
4 than one thousand two hundred dollars.

Sec. 6-(50). *Same—Wayne County.*—For the county
2 of Wayne, one assistant attorney, at four thousand dol-
3 lars; one stenographer, three thousand three hundred dol-
4 lars.

Sec. 6-(51). *Same—Webster County.*—For the county
2 of Webster, one assistant attorney, not less than six hun-
3 dred nor more than nine hundred dollars; one stenograph-
4 er, one thousand eight hundred dollars.

Sec. 6-(52). *Same—Wetzel County.*—For the county of
2 Wetzel, one assistant attorney, not less than nine hundred
3 dollars nor more than one thousand two hundred dollars;

4 one stenographer, not more than three thousand one hun-
5 dred dollars.

Sec. 6-(53). *Same—Wirt County.*—For the county of
2 Wirt, one stenographer or clerk at not more than one thou-
3 sand dollars.

Sec. 6-(54). *Same—Wood County.*—For the county of
2 Wood, one assistant attorney, at four thousand dollars;
3 one stenographer, at three thousand six hundred dollars.

Sec. 6-(55). *Same—Wyoming County.*—For the county
2 of Wyoming, one assistant attorney, not less than two
3 thousand nor more than four thousand two hundred dol-
4 lars; one stenographer at a salary fixed by the county
5 court.

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

Samuel Davis, Jr.

Chairman Senate Committee

Mrs. H. N. Witterow

Chairman House Committee

Originated in the House.

Takes effect July 1, 1961. ~~passage~~

Howard Meyer

Clerk of the Senate

Ed Blankenship

Clerk of the House of Delegates

Howard Carson

President of the Senate

Julius W. Singleton, Jr.

Speaker House of Delegates

The within approved this the 17th
day of March, 1961.

W. W. Barron

Governor

Filed in Office of the Secretary of State
of West Virginia **MAR 17 1961**
JOE F. BURDET
SECRETARY OF STATE