

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 752

(By Mr. Shiflet)



PASSED March 8, 1969

In Effect Ninety days from Passage



752

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-69

ENROLLED

House Bill No. 752

(By MR. SHIFLET)

[Passed March 8, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact section fifteen, article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the auditing and payment of claims of justices and constables, the annual statement of the sheriff of fines and costs received from justices, payment into the state treasury and the determination of the net proceeds of fines and costs; and providing that periodic payments for the establishment of a jail improvement fund may be taken into account in determining the net proceeds of fines and costs.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article five, chapter seven of the code

of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. FISCAL AFFAIRS.

§7-5-15. Auditing and payment of claims of justices and constables; annual statement of sheriff of fines and costs received from justices; payment into state treasury.

1 All claims by justices and constables for fees due them
2 in misdemeanor proceedings in the county, instituted
3 before them on and after the effective date of this section,
4 shall be audited and examined by the county court, and
5 if found correct and if submitted, as provided in section
6 fourteen, article seventeen, chapter fifty of this code,
7 the county court shall cause orders to be issued there-
8 for on the sheriff to be paid out of the general school
9 fund or out of the general county fund, as the court
10 may direct. The sheriff shall annually, during the month
11 of January, render under oath to the auditor a true state-
12 ment of the account of all fines and costs collected by
13 justices and transmitted to him and pay into the treasury,
14 of the state, the net proceeds of such fines and costs
15 as exhibited by such account, to be appropriated as di-

16 rected by the fifth section of article twelve of the con-
17 stitution; failure so to do shall be deemed a breach of
18 his official duty. For the purposes of this section, the
19 net proceeds of such fines and costs shall be deemed to
20 be the proceeds remaining after deducting therefrom the
21 lawful fees of constables and justices of the peace; the cost
22 of auditing the accounts of justices of the peace and con-
23 stables by the chief inspector's office; the expenses for
24 operation and maintenance of the county jail; the costs of
25 constructing, reconstructing and renovating any jail
26 facility used for county prisoners; and periodic payments,
27 if any, for the establishment of a jail improvement fund,
28 in the manner provided by section nine, article one of
29 this chapter, for constructing, reconstructing or renovat-
30 ing any jail facility used for county prisoners.

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

William Tompau
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Stewart Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Raymond B. Jackson
President of the Senate

Novot T. Boiarisky
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Arch. H. Shouse Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/69

Time 2:45 p.m.