

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 885

(By Mr. Rallins and Mr. Harmon)

PASSED April 11 1973

In Effect ninty days from Passage



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FILED IN THE OFFICE  
EDGAR F. WEISKELL III  
SECRETARY OF STATE  
THIS DATE 5/3/73

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**ENROLLED**

**House Bill No. 885**

(By MR. ROLLINS and MR. HARMAN)

[Passed April 11, 1973; in effect ninety days from passage.]

AN ACT to repeal section sixteen, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections thirteen and fifteen of said article, relating to justices of the peace, their written receipts for fines, costs and other moneys; relating to the monthly disposition of fines, costs and other moneys collected by justices; and providing a penalty for failure to comply with said section fifteen; and to amend chapter fifty of the code of West Virginia one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article seventeen-a, relating to audits of the criminal and civil dockets of each justice of the peace, relating to the use of pre-numbered, duplicate civil receipts, and relating to special bank accounts; prompt payment to parties and officers; registering special account with the circuit clerk; criminal offenses and penalties for violations of said article by justices of the peace.

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

That section sixteen, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections thirteen and fifteen of said article be amended and reenacted, and that chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article seventeen-a, all to read as follows:

That section sixteen, article seventeen, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections thirteen and fifteen of said article be amended and reenacted to read as follows:

**ARTICLE 17. FEES, FINES AND COSTS.**

**§50-17-13. Receipts for fines, costs and other payments.**

1 When any money is paid to a justice of the peace on  
2 account of a fine, costs, cash bond, penalty, restitution or  
3 other matter in a criminal case, he shall give to the person  
4 paying the same a receipt therefor, stating briefly but intelli-  
5 gently for what purpose the money has been paid, showing  
6 separately the amount of the fine and the amount of the  
7 costs and the amount of any other payment, the name of the  
8 defendant and the docket page upon which the case appears.  
9 These receipts shall be prepared and furnished to the justices  
10 by the state tax commissioner and shall be numbered and  
11 made out in triplicate, one copy to be delivered to the person  
12 paying over the money, one copy to be forwarded to the  
13 clerk of the county court by the justice, and one copy to be  
14 retained and to remain in the receipt book for the inspection  
15 of the state tax commissioner.

**§50-17-15. Disposition of moneys collected; penalty for failure to comply.**

1 All fines, costs, forfeitures or penalties which accrue to  
2 the state, collected or paid in any proceeding before a justice,  
3 except as otherwise provided, shall be paid, on a monthly  
4 basis on or before the seventh day of the next succeeding  
5 month by the justice receiving the same, to the sheriff of  
6 the county, and at the time of making such payment the  
7 justice shall furnish to the sheriff a list of the persons fined,  
8 the amount collected from each person as a fine, costs,  
9 forfeiture or penalty and the number of the receipt issued  
10 for each payment received by him and such other information  
11 as the state tax commissioner may by rules and regulations  
12 prescribe. If any justice fails to pay over all fines, costs,  
13 forfeitures and penalties as above required, he shall be  
14 personally liable therefor, and if a justice fails to comply  
15 with any provision of this section, he shall be penalized, by  
16 the state tax commissioner, an amount equal to twenty

17 percent of the total of such fines, costs, forfeitures or penalties  
18 collected by him during the month in question.

**ARTICLE 17A. FISCAL RESPONSIBILITY.**

**§50-17A-1. Audits of civil and criminal dockets by the chief inspector.**

1 Every justice of the peace shall be subject to an annual  
2 audit of his criminal docket, and materials relating to said  
3 dockets, by the chief inspector of public offices. Every justice  
4 of the peace shall also be subject to an audit of his civil docket,  
5 and materials and accounts relating to said docket, if the  
6 chief inspector deems such an audit to be necessary.

**§50-17A-2. Justices to use prenumbered duplicate civil receipts furnished by the chief inspector.**

1 The chief inspector of public offices shall prepare and  
2 furnish to each justice of the peace prenumbered duplicate  
3 civil receipts. These receipts shall be issued by the justice  
4 to any person paying money to him in connection with any  
5 civil proceeding. The second copy shall be retained by the  
6 justice for the inspection of the chief inspector.

**§50-17A-3. All funds received by justices of the peace to be deposited in special bank account; prompt payment to parties and officers; account to be registered with circuit clerk.**

1 Every justice of the peace shall keep a special trust bank  
2 account. All moneys received by a justice shall be deposited  
3 in this account. At justice shall only receive from this account  
4 moneys constituting fees to which he is entitled by law. Parties  
5 and officers entitled to moneys in said account shall be  
6 promptly paid by the justice; said payment must be made  
7 within thirty days from receipt. Every justice must register  
8 his special account with the chief inspector of public offices.

**§50-17A-4. Violations of article; penalties.**

1 Any justice of the peace who violates any of the provisions  
2 of this article shall be guilty of a misdemeanor, and, upon  
3 conviction thereof, shall be fined not more than five hundred  
4 dollars, or imprisoned in the county jail not more than six  
5 months, or both fined and imprisoned.

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

H. Darrel Darby  
Chairman Senate Committee

Lawrence C. Christensen  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

H. H. Brotherton Jr.  
President of the Senate

Lewis T. McManus  
Speaker House of Delegates

The within approved this the 24th  
day of April, 1973.

Arch A. Maue Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/24/73

Time 2:34 p.m.

RECEIVED

APR 24 1973  
OFFICE OF  
THE GOVERNOR OF THE  
COMMONWEALTH OF VIRGINIA