WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 590

(By Mr. [Signature])

PASSED ___________________________ 1981
In Effect ____________________________ Passage

Date:_4-29-81_
Time:______________________________

APPROVED AND SIGNED BY THE GOVERNOR
AN ACT to amend and reenact section thirty-nine-h, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to crimes and their punishment; crimes against property; payment of costs in worthless check cases; disposition of certain costs; providing that costs in such cases are distributed to magistrates to be used in meeting expenses.

Be it enacted by the Legislature of West Virginia:
That section thirty-nine-h, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.
§61-3-39h. Payment of costs in worthless check cases; disposition of certain costs.
1 In any prosecution under sections thirty-nine or thirty-nine-a of this article such costs as may otherwise be imposed against the drawer of any such check, draft or order shall be imposed on the person initiating the prosecution if payment of the check, draft or order is accepted by the payee or holder thereof after the filing of a complaint for warrant; if the payee or holder had reason to believe that the check, draft or order would be dishonored or if the same was postdated; or if the matter is dismissed for failure to prosecute.
2 Costs collected by magistrate court for issuance of notice as authorized by section thirty-nine-g of this article shall be paid into the special county fund created by the provisions of
section four, article three, chapter fifty of this code. Such costs shall not be included in any calculation of the amount of funds to be retained by the county but shall be accounted for separately and retained by the county notwithstanding any provision of law directing the payment of costs to the state.

A county may appropriate and spend from such fund such sums as shall be necessary to defray the expenses of providing bailiff and service of process services by the sheriff, to defray the cost of acquiring or renting magistrate court offices and providing utilities and telephones therefor and to defray the expenses of such other services which by the terms of this chapter are to be provided to magistrate court by the county.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

R. P. Baylor
Chairman Senate Committee

Tony E. Whitlaw
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Jack C. Hillis
Clerk of the Senate

W. R. Lancaster
Clerk of the House of Delegates

W. J. Clay, Jr.
President of the Senate

C. M. Steele, Jr.
Speaker House of Delegates

The within is approved this the 29 day of April, 1981.

John B. Chapman
Governor