

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

NO. 590

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 590

(By Mr. Battar)



PASSED April 11 1981

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 590

(By MR. BOETTNER)

[Passed April 11, 1981; in effect ninety days from passage.]

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
2 thirty-nine-a of this article such costs as may otherwise be
3 imposed against the drawer of any such check, draft or order
4 shall be imposed on the person initiating the prosecution if
5 payment of the check, draft or order is accepted by the payee
6 or holder thereof after the filing of a complaint for warrant; if
7 the payee or holder had reason to believe that the check, draft
8 or order would be dishonored or if the same was postdated; or
9 if the matter is dismissed for failure to prosecute.

10 Costs collected by magistrate court for issuance of notice as
11 authorized by section thirty-nine-g of this article shall be paid
12 into the special county fund created by the provisions of

13 section four, article three, chapter fifty of this code. Such
14 costs shall not be included in any calculation of the amount of
15 funds to be retained by the county but shall be accounted for
16 separately and retained by the county notwithstanding any
17 provision of law directing the payment of costs to the state.

18 A county may appropriate and spend from such fund such
19 sums as shall be necessary to defray the expenses of
20 providing bailiff and service of process services by the sheriff,
21 to defray the cost of acquiring or renting magistrate court
22 offices and providing utilities and telephones therefor and to
23 defray the expenses of such other services which by the terms
24 of this chapter are to be provided to magistrate court by the
25 county.

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

R. P. Bayler
Chairman Senate Committee

Jonny E. Whitlaw
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Jesse C. Skillis
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Wm. R. Hooper
President of the Senate

Wm. M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *29*

day of *April*, 1981.

James R. Royster
Governor

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