APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

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Time__

WEST VIRGINIA LEGISLATURE REGULAR SESSION, 1981

ENROLLED

SENATE BILL NO. 649

(By Mr. Stepter)

PASSED <u>Garie 10,</u> 1981 In Effect <u>July 1, 1981</u>

ENROLLED Senate Bill No. 649

(By Mr. Steptoe)

[Passed April 10, 1981; in effect July 1, 1981.]

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 authorizing the use of certain net proceeds from certain fines and forfeitures for the operation of regional correctional facilities.

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 magistrates, justices of the peace and constables; annual statement of sheriff of fines and costs received from justices and magistrates; 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 commission, 5 and if found correct and if submitted, as provided in the 6 heretofore existing section fourteen, article seventeen, 7 chapter fifty of this code, the county commission shall 8 cause orders to be issued therefor on the sheriff to be 9 paid out of the general school fund or out of the general 10 county fund, as the commission may direct. The sheriff 11 shall annually, during the month of January, render under

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12 oath to the auditor a true statement of the account of 13 all fines and costs collected by magistrates and trans-14 mitted to him and pay into the treasury of the state, the 15 net proceeds of such fines and costs as exhibited by 16 such account, to be appropriated as directed by the fifth 17 section of article twelve of the constitution of this state. 18 Failure to do so shall be deemed a breach of his official duty. For the purposes of this section, the net proceeds 19 20 of such fines and costs shall be deemed to be the proceeds 21 remaining after deducting therefrom the lawful fees of 22 constables and justices of the peace; the cost of auditing 23 the accounts of justices of the peace, constables and 24 magistrates by the chief inspector's office; the expenses for operation and maintenance of the county jail or a 25 26 regional correctional facility operated jointly with one or 27 more other county or counties; the costs of constructing, 28 reconstructing and renovating any jail facility used for 29 county prisoners; and periodic payments, if any, for the 30 establishment of a jail improvement fund in the manner provided by section nine, article one of this chapter for 31 32 constructing, reconstructing or renovating any jail facility 33 used for county prisoners.

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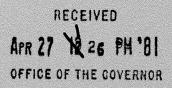
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. 23 5. s. s.. $\frac{1}{2}\lambda_{2}^{2}$ a i S ~ 2 Chairman Senate Sommittee Chairman House Committee 0.2 Originated in the Senate. <u>c</u> 1 per la 1.221 To take effect July 1, 1981. odd CM Clerk of the Senate VaBlankenshi Clerk of the House of Delegate reside the Senate t of Speaker House of Delegates The within inapproved this the $2\mathcal{P}$ day of 1981. Governor

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