

Date 4-28-81

Time \_\_\_\_\_

No: 649

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1981**

**ENROLLED**

**SENATE BILL NO. 649**

(By Mr. Stephens)

PASSED April 10, 1981

In Effect July 1, 1981 ~~Page~~



**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

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  
19 duty. For the purposes of this section, the net proceeds  
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  
25 for operation and maintenance of the county jail or a  
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  
31 provided by section nine, article one of this chapter for  
32 constructing, reconstructing or renovating any jail facility  
33 used for county prisoners.

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

R. P. Bayless  
Chairman Senate Committee

Tony E. Whitlaw  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Todd A. White  
Clerk of the Senate

V. A. Blankenship  
Clerk of the House of Delegates

Wm. A. Royster  
President of the Senate

Charles H. Seay, Jr.  
Speaker House of Delegates

The within is approved this the 28  
day of April, 1981.

R. P. Bayless  
Governor





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SECY. OF STATE