

No: 574

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



# ENROLLED

SENATE BILL NO. 574

*(Originating in the  
[redacted] Committee on the Judiciary)*



PASSED March 16 1987

In Effect ninety days from Passage



**ENROLLED**  
**Senate Bill No. 574**

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(Originating in the Committee on the Judiciary)

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[Passed March 11, 1987; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to assistant prosecuting attorneys.

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

That section eight, article seven, 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 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC.;  
COMPENSATION OF ELECTED COUNTY OFFICIALS;  
COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES,  
THEIR NUMBER AND COMPENSATION.**

**§7-7-8. Assistant prosecuting attorneys; appointment and compensation; when court may appoint attorney to prosecute.**

1 The prosecuting attorney of each county may, in  
2 accordance with and limited by the provisions of section  
3 seven of this article, appoint practicing attorneys to assist  
4 him in the discharge of his official duties during his term of  
5 office. Any attorney so appointed shall be classified as an

6 assistant prosecuting attorney and shall take the same oath  
7 and may perform the same duties as his principal. Each  
8 assistant shall serve at the will and pleasure of his principal  
9 and may be removed from office by the circuit court of the  
10 county in which he is appointed for any cause for which his  
11 principal might be removed.

12 If, in any case, the prosecuting attorney and his assistants  
13 are unable to act, or if in the opinion of the court it would be  
14 improper for him or his assistants to act, the court shall  
15 appoint some competent practicing attorney to act in that  
16 case. The court shall certify to the county court the  
17 performance of that service when completed and  
18 recommend to the county court a reasonable compensation  
19 for the attorney for his service, and the compensation, when  
20 allowed by the county court, shall be paid out of the county  
21 treasury. No provision of this section shall be construed to  
22 prohibit the employment by any person of a practicing  
23 attorney to assist in the prosecution of any person or  
24 corporation charged with a crime.

25 The compensation to be paid to an assistant prosecuting  
26 attorney shall include compensation provided by law for  
27 any services he renders as attorney for any administrative  
28 board or officer of his county.

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

*Bernard V. Kelly*

Chairman Senate Committee

*Bernard V. Kelly*

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Todd C. Walker*

Clerk of the Senate

*Donald L. Hoop*

Clerk of the House of Delegates

*Ben Tomblin*

President of the Senate

*Robert L. Williams*

Speaker House of Delegates

The within *approved* this the *19th*  
day of *March*, 1987.

*Robert L. Williams*

Governor



PRESENTED TO THE

GOVERNOR

Date 3/16/87

Time 3:21 p.m.