

No: 538

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



## ENROLLED

SENATE BILL NO. 538

(By Senator LOEHK, ET AL)



PASSED MARCH 12, 1988

In Effect 90 days from Passage



**ENROLLED**  
**Senate Bill No. 538**

(BY SENATORS LOEHR, CHERNENKO AND WHITACRE)

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[Passed March 12, 1988; in effect ninety days from passage.]

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AN ACT to amend and reenact section twenty-nine, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to collection of fees, allowances or costs; and providing that the prosecuting attorney may proceed in magistrate court to collect unpaid fees, costs, percentages, penalties, commissions, allowances, compensation, income or any other perquisites of any kind.

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

That section twenty-nine, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. FEES AND ALLOWANCES.**

**§59-1-29. Collection of such fees.**

1 Each clerk of the county commission, sheriff, clerk of the  
2 circuit court and prosecuting attorney shall have charge of  
3 and collect the fees, costs, percentages, penalties,  
4 commissions, allowances, compensation, income and all  
5 other perquisites of whatever kind which are now or may  
6 hereafter be allowed by law. Whenever there remain due the  
7 county and unpaid, for a period of more than six months,

8 any fees, costs, percentages, penalties, commissions,  
9 allowances, compensation, income or any other perquisites  
10 of any kind, it shall be the duty of the county commission, or  
11 other tribunal in lieu thereof, by the prosecuting attorney,  
12 to proceed to the collection thereof in the circuit court or  
13 magistrate court, upon motion whereof the defendant and  
14 the sureties on his bond shall have at least twenty days'  
15 notice, or in any other manner provided for by law, and the  
16 amount so collected shall be paid into the county treasury to  
17 the credit of the general county fund.

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

*Bruce D. Allison*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Todd C. Steltis*  
.....  
Clerk of the Senate

*Donald L. Koop*  
.....  
Clerk of the House of Delegates

*Don Tomlinson*  
.....  
President of the Senate

*W. D. Bell*  
.....  
Speaker House of Delegates

The within *approved* ..... this the *30th*  
*March*  
day of ..... 1988.

*And A. Shantz*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/02/88

Time 3:06 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE