

RECEIVED
1992 MAR 30 PM 4: 43
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

ENROLLED

HOUSE BILL No. 4077

(By Delegates Gallagher and Ashley)

— ● —

Passed March 6, 1992

In Effect Ninety Days From Passage

ENROLLED
H. B. 4077

(By DELEGATES GALLAGHER AND ASHLEY)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact sections four and fourteen, article one; section one, article two; sections two-a, four and six, article three; sections one, two, three, four, five, six, seven, nine and ten, article four; sections two, eight, ten, eleven and thirteen, article five; and section one, article six, all of chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to magistrate courts.

Be it enacted by the Legislature of West Virginia:

That sections four and fourteen, article one; section one, article two; sections two-a, four and six, article three; sections one, two, three, four, five, six, seven, nine and ten, article four; sections two, eight, ten, eleven and thirteen, article five; and section one, article six, all of chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-4. Qualifications of magistrates; training; oath; continuing education; time devoted to public duties.

1 Each magistrate shall be at least twenty-one years of
2 age, shall have a high school education or its equivalent,
3 shall not have been convicted of any felony or any
4 misdemeanor involving moral turpitude and shall reside
5 in the county of his election. No magistrate shall be a

6 member of the immediate family of any other magis-
7 trate in the county. In the event more than one member
8 of an immediate family shall be elected in a county, only
9 the member receiving the highest number of votes shall
10 be eligible to serve. For purposes of this section,
11 immediate family means the relationship of mother,
12 father, sister, brother, child or spouse. Notwithstanding
13 the foregoing provisions of this section, each person who
14 held the office of justice of the peace on the fifth day
15 of November, one thousand nine hundred seventy-four,
16 and who served in or performed the functions of such
17 office for at least one year immediately prior thereto
18 shall be deemed qualified to run for the office of
19 magistrate in the county of his residence.

20 No person shall assume the duties of magistrate unless
21 he shall have first attended and completed a course of
22 instruction in rudimentary principles of law and
23 procedure which shall be given in accordance with the
24 supervisory rules of the supreme court of appeals.

25 All magistrates shall be required to attend such other
26 courses of continuing educational instruction as may be
27 required by supervisory rule of the supreme court of
28 appeals. Failure to attend such courses of continuing
29 educational instruction without good cause shall consti-
30 tute neglect of duty. Such courses shall be provided at
31 least once every other year. Persons attending such
32 courses outside of the county of their residence shall be
33 reimbursed by the state for expenses actually incurred
34 in accordance with the supervisory rules of the supreme
35 court of appeals.

36 Each magistrate shall, before assuming the duties of
37 office, take an oath of office to be administered by the
38 circuit judge of the county, or the chief judge thereof
39 if there is more than one judge of the circuit court. Each
40 magistrate shall maintain the qualifications for office at
41 all times.

42 Each magistrate who serves five thousand or less in
43 population shall devote such time to his public duties as
44 shall be required by rule or regulation of the judge of
45 the circuit court, or the chief judge thereof if there is

46 more than one judge of the circuit court. Each magis-
47 trate who serves more than five thousand in population
48 shall devote full time to his public duties. As nearly as
49 practicable the workload and the total number of hours
50 required shall be divided evenly among the magistrates
51 in a county by such judge.

§50-1-14. Duties of sheriff; service of process; bailiff.

1 (a) It shall be the duty of each sheriff to execute all
2 civil and criminal process from any magistrate court
3 which may be directed to such sheriff. Process shall be
4 served in the same manner as provided by law for
5 process from circuit courts.

6 Subject to the supervision of the chief justice of the
7 supreme court of appeals or of the judge of the circuit
8 court, or the chief judge thereof if there is more than
9 one judge of the circuit court, it shall be the duty of the
10 sheriff, or his designated deputy, to serve as bailiff of
11 a magistrate court upon the request of the magistrate.
12 Such service shall also be subject to such administrative
13 rules as may be promulgated by the supreme court of
14 appeals. A writ of mandamus shall lie on behalf of a
15 magistrate to enforce the provisions of this section.

16 (b) The sheriff of any county may employ, by and with
17 the consent of the county commission, one or more
18 persons whose sole duties shall be the service of civil
19 process and the service of subpoenas and subpoenas
20 duces tecum. Any such person shall not be considered
21 a deputy or deputy sheriff within the meaning of
22 subdivision (2), subsection (a), section two, article
23 fourteen, chapter seven of this code, nor shall any such
24 person be authorized to carry deadly weapons in the
25 performance of his duties.

ARTICLE 2. JURISDICTION AND AUTHORITY.

§50-2-1. Civil jurisdiction.

1 Except as limited herein and in addition to jurisdic-
2 tion granted elsewhere to magistrate courts or justices
3 of the peace, magistrate courts shall have jurisdiction of
4 all civil actions wherein the value or amount in
5 controversy or the value of property sought, exclusive of

6 interest and cost, is not more than three thousand
7 dollars. Magistrate courts shall have jurisdiction of all
8 matters involving unlawful entry or detainer of real
9 property or involving wrongful occupation of residential
10 rental property, so long as the title to such property is
11 not in dispute. Except as the same may be in conflict
12 with the provisions of this chapter, the provisions of
13 article three, chapter fifty-five of this code, regarding
14 unlawful entry and detainer, shall apply to such actions
15 in magistrate court. Magistrate courts shall have
16 jurisdiction of actions on bonds given pursuant to the
17 provisions of this chapter. Magistrate courts shall have
18 continuing jurisdiction to entertain motions in regard to
19 post-judgment process issued from magistrate court and
20 decisions thereon may be appealed in the same manner
21 as judgments.

22 Magistrate courts shall not have jurisdiction of actions
23 in equity, of matters in eminent domain, of matters in
24 which the title to real estate is in issue, of proceedings
25 seeking satisfaction of liens through the sale of real
26 estate, of actions for false imprisonment, of actions for
27 malicious prosecution or of actions for slander or libel
28 or of any of the extraordinary remedies set forth in
29 chapter fifty-three of this code.

30 Magistrates, magistrate court clerks, magistrate court
31 deputy clerks, and magistrate assistants shall have the
32 authority to administer any oath or affirmation, to take
33 any affidavit or deposition, unless otherwise expressly
34 provided by law, and to take, under such regulations as
35 are prescribed by law, the acknowledgment of deeds and
36 other writings.

ARTICLE 3. COSTS, FINES AND RECORDS.

§50-3-2a. Payment of fines by credit card or payment plan; suspension of licenses for failure to pay fines.

1 (a) A magistrate court may accept credit cards in
2 payment of all costs, fines, forfeitures or penalties. The
3 supreme court of appeals shall adopt rules and regula-
4 tions regarding the use of credit cards to pay fines, and
5 such rules and regulations shall state that any charges

6 made by the credit company shall be paid by the person
7 responsible for paying the fine. A magistrate court may
8 collect a substantial portion of all costs, fines, forfeitures
9 or penalties at the time such amount is imposed by the
10 court so long as the court requires the balance to be paid
11 within ninety days and in accordance with a payment
12 plan which specifies: (1) The number of additional
13 payments to be made; (2) the dates on which such
14 payments and amounts shall be made; and (3) amounts
15 due on such dates.

16 (b) If costs, fines, forfeitures or penalties imposed by
17 the magistrate court for hunting or fishing violations as
18 described in chapter twenty of this code, or for motor
19 vehicle violations as described in section three-a, article
20 three, chapter seventeen-b of this code are not paid in
21 full within ninety days of the judgment, the magistrate
22 court clerk or, upon a judgment rendered on appeal, the
23 circuit clerk must notify the director of the division of
24 natural resources or the division of motor vehicles,
25 whichever is applicable, of such failure to pay.

26 Upon such notice, the division of motor vehicles shall
27 suspend the operator's or commercial driver's license
28 and the director of the division of natural resources shall
29 suspend the hunting or fishing license of the person
30 defaulting on payment until such time that the costs,
31 fines, forfeitures or penalties are paid.

32 (c) If a person charged with a motor vehicle violation,
33 as defined in section three-a, article three, chapter
34 seventeen-b of this code, fails to appear or otherwise
35 respond in court, the magistrate court must notify the
36 director of the division of motor vehicles thereof within
37 fifteen days of the scheduled date to appear, unless such
38 person sooner appears or otherwise responds in court to
39 the satisfaction of the magistrate. Upon such notice, the
40 division of motor vehicles shall suspend the operator's
41 or commercial driver's license of the person failing to
42 appear or otherwise respond in accordance with the
43 provisions of section six, article three, chapter seven-
44 teen-b of this code.

45 (d) In every criminal case which involves a misdemea-

46 nor violation, a magistrate may order restitution when
47 rendering judgment.

§50-3-4. Disposition of costs; magistrate court fund.

1 Except for the funds specified in section four-a, all
2 costs collected in magistrate courts in a civil or criminal
3 proceeding shall be submitted on or before the tenth day
4 of the month following the month of their collection to
5 the magistrate court clerk or, if there is no magistrate
6 court clerk, to the clerk of the circuit court along with
7 such information as may be required by the rules of the
8 supreme court and by the rules of the chief inspector
9 of public offices. Such clerk shall pay costs into the
10 special county fund hereafter created during each fiscal
11 year until there shall have been paid a sum equal to
12 twelve thousand five hundred dollars multiplied by the
13 number of magistrates authorized for such county. All
14 costs collected in excess of such sum during a fiscal year
15 shall be paid to the state. All costs and fees collected by
16 magistrates on or after the first day of July, one
17 thousand nine hundred seventy-six, shall be paid into
18 said special county fund hereinafter created.

19 There is hereby created in each county a special
20 county fund designated as the magistrate court fund. No
21 moneys shall be appropriated from the fund except for
22 the purposes provided for in this section. Any money
23 remaining in the magistrate court fund on the thirtieth
24 day of June, one thousand nine hundred seventy-nine,
25 and on the thirtieth day of June of each year thereafter,
26 shall be paid to the state.

27 A county may, in accordance with the supervisory
28 rules of the supreme court of appeals, appropriate and
29 spend from such fund such sums as shall be necessary
30 to defray the expenses of providing services to magis-
31 trate courts.

§50-3-6. Collection of costs and fines.

1 On motion of the prosecuting attorney, the magistrate
2 court may issue execution or employ other means of
3 enforcing judgment to collect fines and costs imposed in
4 proceedings before the court and tax the cost thereof as

5 a part of the execution or other process. Such execution
6 or other process shall be directed to the sheriff for
7 collection. The sheriff shall collect the fees prescribed
8 for his services from the party from whom the fine or
9 costs are being collected. Money so collected shall be
10 paid by the sheriff to the magistrate court and shall be
11 paid by the magistrate court in the manner provided by
12 law.

ARTICLE 4. PROCEDURE BEFORE TRIAL.

§50-4-1. Commencement of civil actions.

1 There shall be one form of civil action in magistrate
2 court. Civil actions shall be commenced by the payment
3 of the fees required by article three of this chapter and
4 by providing any magistrate court clerk, magistrate
5 court deputy clerk, or magistrate assistant with a
6 concise statement, either oral or written, of the nature
7 of the cause of action. Where such statement is filed by
8 a commercial creditor, the statement shall include, but
9 not be limited to, a setting forth of the amount of the
10 original obligation, the portion thereof which constitutes
11 principal, the portion thereof which represents interest,
12 the date and amount of payments thereon, the amount,
13 if any, credited for the sale of repossessed collateral, and
14 the amount alleged to be due. The magistrate court
15 clerk, the magistrate court deputy clerk, or magistrate
16 assistant shall immediately prepare a summons in such
17 form and containing such information as may be
18 required by the rules of the supreme court of appeals.
19 The summons shall be dated the same day the request
20 therefor is received and the appropriate fees received,
21 and the action shall be deemed commenced as of that
22 date. The magistrate assistant shall thereupon forward
23 the matter to the magistrate court clerk together with
24 any service of process fees which may have been
25 collected.

26 Upon receipt of the matter by the magistrate court
27 clerk, such clerk shall docket the same in a central
28 docket, and shall sign the summons and forward it,
29 together with any service of process fees, to the sheriff
30 for service. Such clerk shall assign the action for trial

31 in the manner as shall be prescribed by the judge of the
32 circuit court, or the chief judge thereof if there is more
33 than one judge of the circuit court, to promote and
34 secure the convenient and expeditious transaction of the
35 business of the court.

§50-4-2. Commencement of criminal actions.

1 Criminal actions shall be commenced by a complaint
2 filed in compliance with the provisions of article one,
3 chapter sixty-two of this code.

§50-4-3. Appointment of counsel in criminal proceeding.

1 In any criminal proceeding in a magistrate court in
2 which the applicable statutes authorize a sentence of
3 confinement the magistrate shall at the time of the
4 initial appearance advise a defendant of his right to
5 counsel and his right to have counsel appointed if such
6 defendant cannot afford to retain counsel. In the event
7 a defendant requests that counsel be appointed and
8 executes an affidavit that he is unable to afford counsel,
9 the magistrate shall stay further proceedings and shall
10 request the judge of the circuit court, or the chief judge
11 thereof if there is more than one judge of the circuit
12 court, to appoint counsel. Such judge shall thereupon
13 appoint counsel. If there is no judge sitting in the county
14 at the time of the request then the clerk of the circuit
15 court shall appoint counsel from a list of attorneys in
16 accordance with the rules established by such judge of
17 the circuit court. Counsel shall be paid for his services
18 and expenses in accordance with the provisions of article
19 twenty-one, chapter twenty-nine of this code.

§50-4-4. Long-arm jurisdiction; manner of service in civil cases.

1 Magistrate courts shall have long-arm jurisdiction as
2 follows: Over domestic and foreign corporations as
3 provided in section fifteen, article one, chapter thirty-
4 one of this code; over nonresident holders of consumer
5 instruments as provided in section one hundred thirty-
6 seven, article two, chapter forty-six-a of this code; over
7 domestic and foreign limited partnerships as provided
8 in section four, article nine, chapter forty-seven of this

9 code; over voluntary associations and business trusts as
10 provided in section five, article nine-a, chapter forty-
11 seven of this code; over nonresident motorists as
12 provided in section thirty-one, article three, chapter
13 fifty-six of this code; and over nonresidents with certain
14 contacts with this state as provided in section thirty-
15 three, article three, chapter fifty-six of this code.

16 Service of process in civil actions shall be made in the
17 same manner as is provided for service of process in
18 trial courts of record.

**§50-4-5. Return date in civil action; setting of trial date;
failure to appear or notify.**

1 Except as may otherwise be provided by law, each
2 summons in a civil action shall notify the defendant that
3 he must appear within twenty days after service of the
4 summons upon him or that he must otherwise notify the
5 magistrate court by that time that he wishes to contest
6 the matter.

7 If the magistrate court is notified by the defendant
8 that he wishes to contest the matter a trial date shall
9 be set in accordance with the supervisory rules of the
10 supreme court of appeals.

11 If no appearance or other notification is made within
12 twenty days after the service of the summons on the
13 defendant, or within such other time as may be provided
14 by law, judgment by default may be entered in accor-
15 dance with the provisions of section ten of this article.

16 At any trial in any matter involving unlawful entry
17 and detainer and in the trial of any case in any way
18 involving the possession, use or control of rental
19 property, it is permissible for a party to plead, prove
20 and obtain judgment for all rent due and owing the
21 party.

**§50-4-6. Return date in criminal proceedings; setting trial
date.**

1 When a warrant has been duly executed or when a
2 defendant appears in response to a summons, the

3 defendant shall be notified of the return date set by the
4 court. The defendant shall appear before the magistrate
5 on or before the return date. In the event a trial or
6 preliminary examination is not expressly waived by
7 such defendant, the magistrate shall set a date for such
8 trial or preliminary examination and shall notify all
9 parties.

§50-4-7. Transfer to another magistrate.

1 Any party to a civil or criminal proceeding before a
2 magistrate in any county wherein there is more than one
3 magistrate may file an affidavit that the magistrate
4 before whom the matter is pending has a personal bias
5 or prejudice either against him or in favor of any
6 opposite party or that such magistrate has counseled
7 with any opposite party with respect to the merits of the
8 proceeding. The affidavit shall state the facts and
9 reasons for belief in the truth thereof. Such affidavit
10 must be filed within such time as may be provided by
11 the supervisory rules of the supreme court of appeals.
12 The supreme court of appeals shall provide a form
13 affidavit which shall be made available to all parties
14 and which shall comply with the requirements of this
15 section.

16 Upon the timely filing of such affidavit, the magis-
17 trate shall transfer all matters relating to the case to
18 the magistrate court clerk, who shall thereupon assign
19 and transfer the matter to be heard by some other
20 magistrate within the county upon a basis to be
21 established by the judge of the circuit court, or the chief
22 judge thereof if there is more than one judge of the
23 circuit court. Such transfer and assignment shall be
24 permitted, however, only if there is some other magis-
25 trate in the county before whom the matter had not been
26 previously pending. No party shall be entitled to cause
27 such a transfer more than once.

28 The magistrate to whom the matter is assigned shall
29 set a new return date not more than five days from his
30 receipt of the matter, shall notify all parties thereof, and
31 shall proceed with the matter as if it had been originally
32 assigned to him.

§50-4-9. Counterclaim.

1 A defendant in a civil action may file a counterclaim
2 and if such counterclaim arises from the same transac-
3 tion or occurrence that is the subject matter of the initial
4 claim they shall be tried together. The failure to
5 institute a counterclaim permitted by this section shall
6 not preclude the institution of an action on such claim
7 at a later date. The adjudication of the original claim
8 shall not constitute res judicata as to any such permitted
9 counterclaim nor shall it act as an estoppel as to such
10 permitted counterclaim.

§50-4-10. Judgment before trial.

1 If a defendant in a civil action fails to appear or
2 otherwise notify the magistrate court within the time
3 limits prescribed by section five of this article that he
4 wishes to contest the action, the magistrate may enter
5 judgment as justice may require as follows:

6 (a) The magistrate shall enter judgment by default
7 only upon affidavit or sworn testimony reflecting the
8 nature of the claim, whether or not it is for a sum
9 certain or for a sum which can by computation be made
10 certain, the defendant's failure to appear or otherwise
11 notify the court within the time limits prescribed by
12 section five of this article that he wishes to contest the
13 action and supporting the relief sought. In the event the
14 plaintiff's claim is not for a sum certain or for a sum
15 which can by computation be made certain, the court
16 shall require such further proof by affidavit or sworn
17 testimony as is necessary to determine the propriety of
18 the relief sought.

19 (b) No judgment by default shall be rendered against
20 a person who is an infant, incompetent person or
21 incarcerated convict unless such person is represented
22 in the action by a guardian ad litem, guardian,
23 committee, curator or other like fiduciary.

24 Upon motion made by the defendant within twenty
25 days after the entry of such judgment, the magistrate
26 may, for good cause shown, set aside the judgment and
27 set the matter for trial.

28 If a defendant offers to confess judgment at any time,
29 the magistrate shall take the same in writing and enter
30 judgment for the amount confessed plus costs. In the
31 event the amount claimed by the plaintiff exceeds the
32 amount confessed by the defendant the plaintiff may
33 request that the matter be set for trial. If the plaintiff's
34 recovery therein does not exceed the amount confessed,
35 costs shall be assessed against the plaintiff.

ARTICLE 5. TRIALS, HEARING AND APPEALS.

§50-5-2. Continuances.

1 A magistrate may continue the holding of a trial or
2 hearing as provided in the supervisory rules of the
3 supreme court of appeals. In criminal proceedings when
4 the defendant is in custody, the state shall not have the
5 right to a continuance but may be granted a continuance
6 for no more than five days if good cause is shown. In
7 criminal proceedings when the defendant is in custody,
8 the magistrate may continue the matter no more than
9 once on his own motion over the objection of the
10 defendant and such continuance over the objection of the
11 defendant shall not be for more than two days.

§50-5-8. Trial by jury.

1 Any party to a civil action is entitled to a trial by jury
2 when the amount in controversy exceeds twenty dollars
3 or involves possession to real estate. Any defendant in
4 any criminal action shall be entitled to a trial by jury,
5 and any such verdict must be unanimous. A defendant
6 in a criminal proceeding may waive a jury trial if he
7 is advised of his right to a jury trial and such waiver
8 is made in writing. A magistrate court jury shall consist
9 of six persons, to be selected from a panel of ten persons.
10 The selection and summoning of jurors shall be con-
11 ducted in accordance with the provisions of article one,
12 chapter fifty-two of this code and with the supervisory
13 rules of the supreme court of appeals. Jurors shall be
14 paid by the state in accordance with such rules.

§50-5-10. Setting aside judgment.

1 Upon motion made within twenty days after judgment
2 by any party in a civil action or by the defendant in a

3 criminal action, the magistrate who heard the matter or
4 his successor or designee may, upon good cause shown,
5 set aside judgment and order a new trial. All parties
6 shall be given notice of such motion and an opportunity
7 to be heard.

§50-5-11. Contempt.

1 A magistrate may punish for contempt of court a
2 person guilty of any of the following acts:

3 (a) Contemptuous or insolent behavior toward such
4 magistrate while engaged in the trial of a case or in any
5 other judicial proceeding;

6 (b) Any breach of the peace, willful disturbance, or
7 indecent conduct in the presence of such magistrate
8 while so engaged, or so near as to obstruct or interrupt
9 the proceedings;

10 (c) Violence or threats of violence to such magistrate,
11 or any officer, juror, witness, or party going to,
12 attending, or returning from, any judicial proceeding
13 before the court with respect to anything done or to be
14 done in the course of such proceeding;

15 (d) Flagrant misbehavior of any officer of the county
16 acting in his official capacity with respect to any action
17 or judicial proceeding had or pending before the court,
18 or any process, judgment, order or notice therein; or

19 (e) Willful resistance by an officer of the court, juror,
20 witness, party or other person to any lawful process or
21 order of the court.

22 A magistrate may, if necessary, issue a warrant of
23 arrest for such person, who shall be given an opportu-
24 nity to be heard. In the event such person is adjudged
25 guilty of contempt, the person may be fined not more
26 than fifty dollars for the first offense. For a second
27 offense pertaining to the same matter the person may
28 be fined not more than one hundred dollars. For the
29 third or any subsequent offense pertaining to the same
30 matter the person may be fined not more than one
31 hundred dollars, or imprisoned in the county jail not
32 more than ten days, or both fined and imprisoned.

33 An appeal to the circuit court of such conviction shall
34 lie as in criminal cases.

§50-5-13. Appeals in criminal cases.

1 Any person convicted of an offense in a magistrate
2 court may appeal such conviction to circuit court as a
3 matter of right by requesting such appeal within twenty
4 days of the sentencing for such conviction. The magis-
5 trate may require the posting of bond with good security
6 conditioned upon the appearance of the defendant as
7 required in circuit court, but such bond may not exceed
8 the maximum amount of any fine which could be
9 imposed for the offense. Such bond may be upon the
10 defendant's own recognizance. If no appeal is perfected
11 within such twenty-day period, the circuit court of the
12 county may, not later than ninety days after the
13 sentencing, grant an appeal upon a showing of good
14 cause why such appeal was not filed within such twenty-
15 day period. The filing or granting of an appeal shall
16 automatically stay the sentence of the magistrate. Trial
17 in circuit court shall be de novo. Notwithstanding any
18 other provision of this code to the contrary, there shall
19 be no appeal from a plea of guilty where the defendant
20 was represented by counsel at the time the plea was
21 entered: *Provided*, That the defendant shall have an
22 appeal from a plea of guilty where an extraordinary
23 remedy would lie or where the magistrate court lacked
24 jurisdiction.

ARTICLE 6. ENFORCEMENT OF CIVIL JUDGMENTS.

§50-6-1. Enforcement of judgments.

1 (a) The provisions of articles three, four, five, five-a,
2 five-b and six, chapter thirty-eight of this code, except
3 as the same are in conflict with the provisions of this
4 chapter or are clearly applicable only to courts of
5 record, shall apply to the enforcement of judgments
6 rendered in magistrate court and process therefor shall
7 issue from magistrate court. Process issued in violation
8 of such provisions shall be void. The form of such
9 process shall be in accord with the rules of the supreme
10 court of appeals. No such process shall issue until after
11 twenty days after the judgment is rendered or, if a

12 motion to set aside such judgment is then pending, until
13 after twenty days after the determination of such
14 motion.

15 (b) A magistrate court clerk, deputy clerk or magis-
16 trate assistant before whom a suggestion of salary and
17 wages is instituted pursuant to the provisions of articles
18 five-a and five-b, chapter thirty-eight of this code shall
19 forward all post judgment process directly to the sheriff
20 of any county in the same manner and with the same
21 authority as has been given to circuit clerks, pursuant
22 to section five, article three, chapter fifty-six.

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

Elmer Leck

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Russell E. Helms

Clerk of the Senate

Donald L. Hopp

Clerk of the House of Delegates

Witt Burdette

President of the Senate

Robert C. Call

Speaker of the House of Delegates

The within is approved this the 30th
day of March, 1992.

Yaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/92

Time 11:40 am