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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 431

(By Senator WOOTEN, ET AL)



PASSED MARCH 9, 1995
In Effect 90 days FROM Passage

ENROLLED

Senate Bill No. 431

(BY SENATORS WOOTON, ANDERSON, WIEDEBUSCH, ROSS,
BOWMAN, BUCKALEW, SCOTT, DITTMAR AND WAGNER)

[Passed March 9, 1995; in effect ninety days from passage.]

AN ACT to amend article three, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections nine and ten, all relating to accounting procedures in magistrate offices; requiring magistrate officials to issue duplicate receipts on forms approved by the chief inspector; chief inspector to prescribe minimum requirements for such forms; requiring the deposit of funds in accordance with rules promulgated by the supreme court of appeals; and providing for the removal of magistrate officials who fail to comply with the prescribed accounting procedures.

Be it enacted by the Legislature of West Virginia:

That article three, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, designated sections nine and ten, all to read as follows:

ARTICLE 3. COSTS, FINES AND RECORDS.

§50-3-9. Magistrate court officials to issue receipts of collections; deposit of funds.

1 (a) Any magistrate, magistrate court clerk, magistrate
2 assistant or magistrate deputy clerk who receives a fee,
3 cost, percentage, penalty, commission, allowance, bond,
4 deposit, surety or other cash payment or sum shall issue
5 a receipt to the payor thereof, in duplicate, on a form
6 approved by the chief inspector, in accordance with the
7 provisions of article nine, chapter six of this code. The
8 magistrate court official shall issue the original of such
9 receipt to the payor and shall retain the copy. The chief
10 inspector shall prescribe the minimum information to be
11 included on such receipt forms.

12 (b) All money collected shall be deposited in accor-
13 dance with rules promulgated by the supreme court of
14 appeals.

§50-3-10. Removal of magistrate court official.

1 If any magistrate, magistrate court clerk, magistrate
2 assistant or magistrate court deputy clerk shall fail to
3 comply with the provisions of this article, the chief
4 inspector may, in addition to any other remedies pro-
5 vided by law, seek the removal from office of such
6 official, in accordance with provisions of section seven,
7 article six, chapter six of this code.

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

Henry J. Scarborough
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David E. Adams
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Paul E. Canine
.....
Speaker House of Delegates

The within *is approved* this the *20th*

day of *March*, 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/17/95

Time 3:31 pm