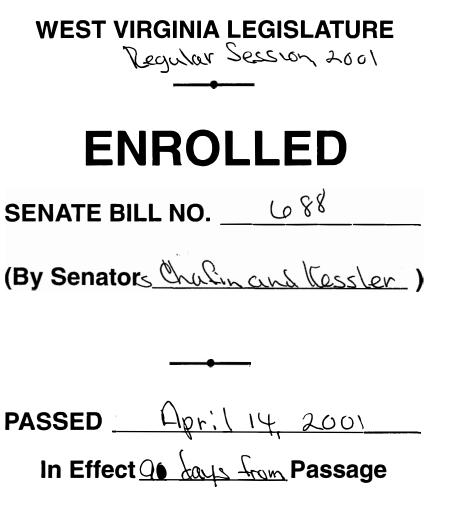
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OFFICE WEST VIRGINIA SECRETARY OF STATE



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## ENROLLED Senate Bill No. 688

(By SENATORS CHAFIN AND KESSLER)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article three, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the amount of costs to be collected in criminal proceedings in magistrate court; mandating the use of the increase; and extending the time in which incarcerated persons may pay costs and fines.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 3. COSTS, FINES AND RECORDS.

## §50-3-2. Costs in criminal proceedings.

(a) In each criminal case before a magistrate court in
 which the defendant is convicted, whether by plea or at
 trial, there is imposed, in addition to other costs, fines,
 forfeitures or penalties as may be allowed by law: (1)
 Costs in the amount of fifty-five dollars; and (2) an amount

Enr. S. B. No. 688]

P 6:59 6 equal to the one-day per diem provided for in subsection (h), section ten, article twenty, chapter thirty-one of this 7 8 code. A magistrate may not collect costs in advance. A.M. 9 Notwithstanding any other provision of this code, a person liable for fines and court costs in a criminal proceeding in 10 11 which the defendant is confined in a jail or prison and not 12 participating in a work release program shall not be held liable for the fines and court costs until ninety days after 13 14 completion of the term in jail or prison. A magistrate court shall deposit five dollars from each of the criminal 15 16 proceedings fees collected pursuant to this section in the 17 court security fund created in section fourteen, article three, chapter fifty-one of this code. A magistrate court 18 19 shall, on or before the tenth day of the month following the  $\mathbf{20}$ month in which the fees imposed in this section were 21 collected, remit an amount equal to the one-day per diem provided for in subsection (h), section ten, article twenty, 22 chapter thirty-one of this code from each of the criminal 23 proceedings in which the fees specified in this section were 24 25 collected to the magistrate court clerk or if there is no magistrate court clerk to the clerk of the circuit, together 26 with information as may be required by the rules of the 27 28 supreme court of appeals and the rules of the office of 29 chief inspector. These moneys are paid to the sheriff who 30 shall distribute the moneys solely in accordance with the provisions of section fifteen, article five, chapter seven of 31 32 this code. Amendments made to this section during the 33 regular session of the Legislature, two thousand one, are 34 effective after the thirtieth day of June, two thousand one.

(b) A magistrate shall assess costs in the amount of two
dollars and fifty cents for issuing a sheep warrant and the
appointment and swearing appraisers and docketing the
proceedings.

(c) In each criminal case which must be tried by the
circuit court but in which a magistrate renders some
service, costs in the amount of ten dollars shall be imposed
by the magistrate court and is certified to the clerk of the

- 43 circuit court in accordance with the provisions of section44 six, article five, chapter sixty-two of this code.

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Enr. S. B. No. 688]

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

Chairman Senate Committee

ch Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

ser h. Clerk of the House of Delegates

mile President of the Senate

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th The within thist ....., 2001. Day of .. . . . . Governor



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