WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4294

(By Delegates Cann, Fragale, laquinta, Stalnaker, Perry and Varner)

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Passed March 11, 2004

In Effect Ninety Days from Passage
AN ACT to amend and reenact §61-3-39h of the code of West Virginia, 1931, as amended, relating to removing the requirement that funds expended from the worthless check fund to pay for additional deputy clerks be proportionate to the time expended on worthless check cases.

Be it enacted by the Legislature of West Virginia:

That §61-3-39h of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-39h. Payment of costs in worthless check cases; disposition of certain costs.
In any prosecution under sections thirty-nine or thirty-nine-a of this article the costs as may otherwise be imposed against the drawer of any check, draft or order shall be imposed on the person initiating the prosecution if payment of the check, draft or order is accepted by the payee or holder thereof after the filing of a complaint for warrant; if the payee or holder had reason to believe that the check, draft or order would be dishonored or if the same was postdated; or if the matter is dismissed for failure to prosecute.

Costs collected by magistrate court for issuance of notice as authorized by section thirty-nine-g of this article may not be paid into the special county fund created by the provisions of section four, article three, chapter fifty of this code, but shall be accounted for separately and retained by the county in a fund designated the “worthless check fund,” until the sheriff shall issue warrants in furtherance of the allowable expenses specifically provided for by this section. Such costs may not be included in any calculation of the amount of funds to be retained by the county under the provisions of section four, article three, chapter fifty of this code.

A county may, after agreement with the court administrator’s office of the supreme court of appeals, appropriate and spend from the worthless check fund herein established such sums as shall be necessary to pay or defray the expenses of providing a deputy sheriff to serve warrants for worthless check offenses and to pay or defray the expenses of providing additional deputy clerks in the office of the magistrate court clerk. After payment of these expenses, or after a determination that these services are not necessary, a county may appropriate and spend from the fund the sums necessary to defray the expenses of providing bailiff and service of process services by the sheriff, to defray the cost of acquiring or renting magistrate court offices and providing utilities and telephones therefor to defray the cost of complying with section thirty-nine-i herein and to defray the expenses of such other services which are to be provided to magistrate courts by the county.
That Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

Speaker of the House of Delegates

The within is approved this the 5th
day of April, 2004.

Governor