

FILED

2007 APR -4 AM 11: 18

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 415**

(BY SENATORS KESSLER, OLIVERIO, CHAFIN, FOSTER,  
HUNTER, MINARD, STOLLINGS, WELLS, WHITE,  
BARNES, CARUTH, DEEM, HALL, MCKENZIE AND YODER)

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[Passed March 7, 2007; in effect ninety days from passage.]

SB 415 S

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[Passed March 7, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §50-3-7 of the Code of West Virginia, 1931, as amended, relating to authorizing magistrate courts to assess a fee of twenty-five dollars for criminal records checks.

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

That §50-3-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. COSTS, FINES AND RECORDS.**

**§50-3-7. Records of magistrate court; reports.**

- 1 (a) Records of the judicial transactions of magistrate
- 2 court shall be kept as required by the rules of the

3 Supreme Court of Appeals. If, after judgment is  
4 rendered in a matter, no appeal is filed within the time  
5 allotted, the records of the proceedings shall be  
6 forwarded to the magistrate court clerk. The records  
7 shall be maintained by the magistrate court clerk in  
8 accordance with the rules of the Supreme Court of  
9 Appeals.

10 Records of the financial dealings of the magistrate  
11 court shall be kept as may be required by the rules of  
12 the State Auditor, who shall promulgate the rules only  
13 after consultation with the Supreme Court of Appeals.

14 The magistrate court shall prepare and submit the  
15 reports as may be required by the rules of the Supreme  
16 Court of Appeals or by the State Auditor.

17 (b) (1) Upon receipt of a written request, the  
18 magistrate court clerk shall perform a criminal history  
19 record search of criminal records in his or her  
20 possession. Each request shall be accompanied by a 25-  
21 dollar fee for each name that is to be the subject of the  
22 records search.

23 (2) The provisions of this subsection shall not apply to:

24 (A) Federal, state, county or municipal officials;

25 (B) Court-appointed attorneys;

26 (C) Prosecuting attorneys; and

27 (D) Persons utilizing court provided public access  
28 terminals.

29 (3) All moneys collected pursuant to this subsection  
30 shall be remitted to the general fund in the State  
31 Treasury on or before the tenth day of the following  
32 month.

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

*Ch White*  
.....  
Chairman Senate Committee

*JH*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Parrell Holmes*  
.....  
Clerk of the Senate

*Bryce D. Smith*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *3<sup>rd</sup>* Day of *April* ....., 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 3:55 PM