

2007 APR -4 AM 11: 18

OFFICE WEST V.AGINA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE SEVENTY-EIGHTH LEGISLATURE REGULAR SESSION, 2007

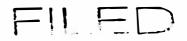
ENROLLED

Senate Bill No. 415

(By Senators Kessler, Oliverio, Chafin, Foster, Hunter, Minard, Stollings, Wells, White, Barnes, Caruth, Deem, Hall, McKenzie and Yoder)

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

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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

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3 Supreme Court of Appeals. If, after judgment is rendered in a matter, no appeal is filed within the time 4 allotted, the records of the proceedings shall be 5 6 forwarded to the magistrate court clerk. The records 7 shall be maintained by the magistrate court clerk in accordance with the rules of the Supreme Court of 8 9 Appeals. 10 Records of the financial dealings of the magistrate 11 court shall be kept as may be required by the rules of the State Auditor, who shall promulgate the rules only 12 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 record search of criminal records in his or her 19 20 possession. Each request shall be accompanied by a 25-21 dollar fee for each name that is to be the subject of the records search. 22

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 access28 terminals.

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

2

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

3

Chairman Senate Committee Chairingn House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

tomphe President of the Senate

Speaker House of Delegates

The within Mapproved. this the .3rd Day of April 2007. Governd

PRESENTED TO THE GOVERNOR MAR 2 0 2007

Time _ <u>5:55</u>

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