



August 26, 2016

Mr. Steven D. Canterbury  
Administrative Director  
and  
Mr. J. Kirk Brandfass  
Administrative Counsel  
Supreme Court of Appeals  
Administrative Office  
Building 1, Room E-100  
Charleston, WV 25305-0832

Re: Public Comment Concerning CSR §149-9

Dear Mr. Canterbury and Mr. Brandfass:

Thank-you for the public comment that you provided on behalf of the West Virginia Municipal League concerning Legislative Rule §149-9, which addresses the William R. Laird IV Second Chance Driver's License Program (SCDL). The comment and supporting information you provided concerning Rule 7 (b) of the Administrative Rules for Magistrate Courts and the relevant case law citations you provided were very informative and on point as to the issue at hand addressing the primary point which has been the subject of the comments received on this rule, that being the distribution percentage of the unpaid court costs which will be recovered as this program is operated.

This rule was approved by the West Virginia Secretary of State's (WVSOS) Office on August 12, 2016 as an Emergency Rule and has been filed with the WVSOS for review and consideration as a new rule during the 2017 session of the West Virginia Legislature.

The language in Sections 5.14 and 5.15 of the rule are based on the statutes created in the West Virginia State Code with the passage and signing of Senate Bill 634 during the 2016 legislative session, specifically §17B-7-9 (2).

That subsection of the code states in part:

Ninety-five percent of the portions of the payments remaining after payment as required in subdivision (1) of this subsection shall be disbursed to the courts identified in the participant's consolidated repayment schedule. Courts shall accept and document these payments of ninety-five percent of the total unpaid court costs, not including court costs



received pursuant to subdivision (1) of this Subsection, **as payment in full of the amount owed by the participant** (emphasis added) to the court for this portion of court costs owed;”

Notwithstanding any indication or information which you or others individuals may have received to the contrary the language of this subsection of the code is clear, and in line with the intent of the drafter of the legislation and the members of the legislature in passing SB 634, that the ninety-five percent payment for a person who has fully completed the program, and the courts have made distribution from, is considered to be full payment of the court costs owed under §17B-7-9 (2). The court/s to which the participant has owed money, and from which the distribution in 9 (2) will be made, do not owe any additional monies beyond the ninety-five percent payment being made as to the unpaid court costs paid.

To allow the true intent of the Legislature to be applied concerning this program as passed I would ask that consideration be given on your part to the acceptance of the 95% distribution formula and if required that Rule 7 (b) of the Administrative Rules for Magistrate Courts be modified to reflect the legislative intent. On our review we do not believe that there is a need to amend the rule as proposed and submitted to the WVSOS for review and approval during the upcoming legislative session. Any amendment to the proposed rule in line with your recommendation in your comment would therefore be contrary to the statute and not within our authority to recommend or do so.

Some of the, I will use the term “confusion”, caused by my communications as cited in the comment may be attributed to a misinterpretation of the statute in earlier descriptions of the distributions of the funds collected. I now recognize that §17B-7-9 (1), the Subdivision (1) referred to when I cited the statute, sets forward in this subdivision that the “fine, forfeiture, or penalty” set by the involved court/s which is part of the monies collected under the SCDL will be paid 100% to the court/s. That 100% will be paid and is therefore in line with your Rule 7. It is the 95% distribution under subdivision (2) that may remain a point of concern on your behalf.

I would note in closing that with the comments received by the Honorable Anne B. Charnock, Municipal Judge for the City of Charleston, Ms. Lisa Dooley, Executive Director for the West Virginia Municipal League and yourselves that the points you have each raised will be given close examination by the respective counsels assigned to prepare the abstracts for this rule while it is being addressed by the respective Senate and House of Delegates’ committees assigned to review and act on the rule as submitted. If we have not been correct in our understanding and interpretation of the intent of the Legislature in passing this legislation which created the SCDL and how the monies collected from it are to be distributed there will be ample opportunities for the necessary change/s to be made in the rule as proposed or in the statute itself.

Each of your comments and my response to them will be filed with the Secretary of State’s Office as part of the legislative rule making rule process concerning the required public comment period to new and/or existing legislative rules.

Please do not hesitate to contact me at (304) 558-8814, ext 53315 or [charles.a.sadler@wv.gov](mailto:charles.a.sadler@wv.gov) if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Sadler". The signature is fluid and cursive, with a large initial "C" and "S".

Retired Captain Chuck Sadler  
Law Enforcement Professional  
Standards Program Manager

cc: Judge Charnock  
Ms. Dooley  
Mr. Staton  
Mr. S. Connolly  
Deputy Attorney General

SUPREME COURT OF APPEALS  
STATE OF WEST VIRGINIA

STEVEN D. CANTERBURY  
ADMINISTRATIVE DIRECTOR



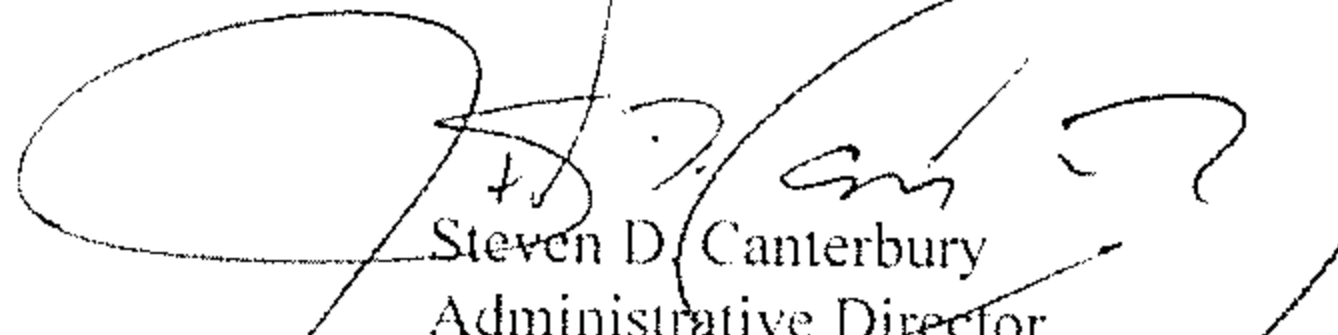
ADMINISTRATIVE OFFICE  
BUILDING 1, ROOM E-100  
1900 KANAWHA BOULEVARD, E.  
CHARLESTON, WV 25305-0832  
(VOICE) 304/558-0145  
(TTY) 304/558-4219  
(FAX) 304/558-1212  
[www.state.wv.us/wvsca/](http://www.state.wv.us/wvsca/)

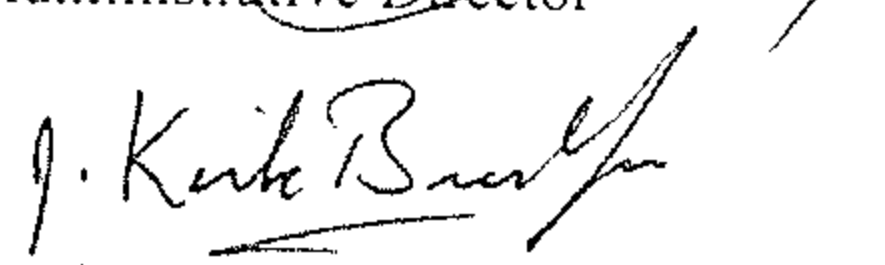
August 24, 2016

Charles A. Sadler  
Law Enforcement Professional Standards Coordinator  
Division of Justice and Community Services  
1124 Smith Street, Suite 3100  
Charleston, West Virginia 25301-1323

Dear Mr. Sadler:

Attached is the Comment of the Administrative Office of the Courts on the Proposed Emergency Legislative Rule Regarding the William R. Laird IV Second Chance Driver's License Program. This comment was previously provided to you via email on August 23, 2016.

  
Steven D. Canterbury  
Administrative Director

  
J. Kirk Brandfass  
Administrative Counsel

SDC;jkb;jm

Attachment

## 5% Administrative Process Fee

Proposed Legislative Rule, Title 149, Series 9, § 149-9-1 *et seq.*, is titled, “Second Chance Driver’s Program.” In the proposed legislative rule concerning the Second Chance Driver’s License Program, the only reference to the mechanism that is apparently being utilized to provide funds for administration of the proposed procedures is found in § 149-9-5.14, which reads, “[t]he director will distribute the payments, minus the five percent (5%) administrative process fee due to DJCS, collected from the participant to the court(s) for which the citations had resulted in the participant’s suspensions or revocations eligibility for the SCDL. Similar distribution will be made at the time that any Program Removal Notice is issued to a SCDL participant.”

Although § 149-9-5.14 references the five percent administrative process fee, it provides no specific information as to how that fee will be obtained or which entity, or entities, will be billed for monies constituting the five percent fee. However, in other contexts, Retired Captain Chuck Sadler, Law Enforcement Professional Standards Coordinator, Division of Justice and Community Services, appears to indicate that the five percent fee monies will be raised by subtracting that five percent amount from the total amount of fines and/or court costs paid by an individual taking part in the Second Chance program.

In one communication concerning the proposed legislative rule, Mr. Sadler provided the following information: “A total of \$200 has been paid to the program. \$190 will be going to applicable courts once indiv completes program. \$10 has been directed to 5% admin fee allowed to DJCS [Division of Justice and Community Services].”

In another communication, again explaining the operation of the 5% fee provision, Mr. Sadler wrote: “Determined that their full costs (fine/court costs/etc) is \$2000 at time everything is check and determined. Once approved in the program in effect their fine and costs becomes \$1,900 (\$2000 minus \$100 5% fee).”

This subtraction of amounts of monies paid as court imposed fines, or paid as court costs, runs afoul of, and is in direct conflict with, the provisions of Rule 7 of the Administrative Rules for Magistrate Courts (Rule 7), a rule enacted by the Supreme Court of Appeals of West Virginia.

### Rule 7(b) of the Administrative Rules for Magistrate Courts

Rule 7(b) provides: “Except as authorized by W. Va. Code 50-3-2a, payment of fines and costs **shall be made in full**. Partial payments of fines and costs, made pursuant to W.Va. Code 50-3-2a, shall be credited to amounts due in the following order:

Magistrate Court Fund  
Regional Jail Fund  
Worthless Check Fund  
Per Diem Regional Jail Fee

*rel. West Virginia State Police v. Real Prop.*, 211 W.Va. 236, 565 S.E.2d 358 (2002) (recognizing that Rule 60(b) of the Rules of Civil Procedure superseded statute that deprived a circuit court of discretion to review a default judgment order); *West Virginia Div. of Highways v. Butler*, 205 W.Va. 146, 516 S.E.2d 769 (1999) (holding that the statutory requirement that an expert real estate appraiser had to be licensed and certified was invalid because the Rules of Evidence controlled the qualifications of such an expert); *Teter v. Old Colony Co.*, 190 W.Va. 711, 441 S.E.2d 728 (1994) (same); *Mayhorn v. Logan Med. Found.*, 193 W.Va. 42, 454 S.E.2d 87 (1994) (invalidating statute addressing the competency of an expert because it conflicted with the Rules of Evidence); *Williams v. Cummings*, 191 W.Va. 370, 445 S.E.2d 757 (1994) (invalidating statute in conflict with Trial Court Rule XVII); *State v. Davis*, 178 W.Va. 87, 357 S.E.2d 769 (1987) (holding that Rules of Criminal Procedure superseded statute requiring the indorsement of the grand jury foreman and attestation of the prosecutor on the reverse side of the indictment), *overruled on other grounds by State ex rel. R.L. v. Bedell*, 192 W.Va. 435, 452 S.E.2d 893 (1994); *Hechler v. Casey*, 175 W.Va. 434, 333 S.E.2d 799 (1985) (noting that statute authorizing an award of costs in mandamus and prohibition cases was superseded by the Rules of Appellate Procedure with regards to an award of costs to the State in this Court); *State ex rel. Quelch v. Daugherty*, 172 W.Va. 422, 306 S.E.2d 233 (1983) (holding that the constitutional separation of powers prohibited the legislature from regulating admission to practice and discipline of lawyers); *Stern Bros., Inc. v. McClure*, 160 W.Va. 567, 236 S.E.2d 222 (1977) (holding that the administrative rule promulgated by the Court setting out a procedure for the temporary assignment of a circuit judge in the event of a disqualification of a particular circuit judge superseded statutory provisions in conflict with the rule); *Laxton v. National Grange Mut. Ins. Co.*, 150 W.Va. 598, 148 S.E.2d 725 (1966) (holding that a statute requiring certain defenses be asserted affirmatively by a statement in writing or under oath was invalid because it conflicted with Rules of Civil Procedure), *overruled on other grounds by Smith v. Municipal Mut. Ins. Co.*, 169 W.Va. 296, 289 S.E.2d 669 (1982); *Montgomery v. Montgomery*, 147 W.Va. 449, 128 S.E.2d 480 (1962) (holding that the statutory bills of exception requirement for an appeal was abolished by the Rules of Civil Procedure).

The prior decisions of this Court clearly establish that we have not permitted the legislature to enact statutes that are inconsistent with and governed by rules promulgated under our Rule-Making authority.

## **Conclusion**

Rule 7(b) of the Administrative Rules for Magistrate Courts requires that fines and court costs “shall be paid in full.” Therefore, if the provisions of the proposed legislative rule do, in operation, extract a portion of a person’s court costs, and/or fine payments, in order to fund the Second Chance program’s 5% administrative process fee, those provisions of the legislative rule will be in direct conflict with Rule 7 and, pursuant to the above-referenced caselaw authorities, will be rendered invalid and unenforceable.

August 26, 2016

Ms. Lisa Dooley  
Executive Director  
West Virginia Municipal League  
2020 Kanawha Boulevard East  
Charleston, WV 25311

Re: Public Comment Concerning CSR §149-9

Dear Ms. Dooley:

Thank-you for the public comment that you provided on behalf of the West Virginia Municipal League concerning Legislative Rule §149-9, which addresses the William R. Laird IV Second Chance Driver's License Program (SCDL). This rule was approved by the West Virginia Secretary of State's (WVSOS) Office on August 12, 2016 as an Emergency Rule and has been filed with the WVSOS for review and consideration as a new rule during the 2017 session of the West Virginia Legislature.

The language in Sections 5.14, which you cited in your comment, and 5.15 of the rule are based on the statutes created in the West Virginia State Code with the passage and signing of Senate Bill 634 during the 2016 legislative session, specifically §17B-7-9 (2).

That subsection of the code states in part:

Ninety-five percent of the portions of the payments remaining after payment as required in subdivision (1) of this subsection shall be disbursed to the courts identified in the participant's consolidated repayment schedule. Courts shall accept and document these payments of ninety-five percent of the total unpaid court costs, not including court costs received pursuant to subdivision (1) of this Subsection, **as payment in full of the amount owed by the participant** (emphasis added) to the court for this portion of court costs owed;"

Notwithstanding any indication which you have received to the contrary the language of this subsection of the code is clear, and in line with the intent of the drafter of the legislation and the members of the legislature in passing SB 634, that the ninety-five percent payment for a person who has fully completed the program, and the courts have made distribution from, is considered to be full payment of the court costs owed under §17B-7-9 (2). The court/s to which the participant has owed money, and from which the distribution in 9 (2) will be made, do not owe any additional monies beyond the ninety-five percent payment being made as to the unpaid court costs paid.



As such there is not a need to amend the rule as proposed and submitted to the WVSOS for review and approval during the upcoming legislative session. Any amendment to the proposed rule in line with your recommendation in your comment would therefore be contrary to the statute and not within our authority to recommend or do so.

I would note in closing that with the comments received by from The Honorable Anne B. Charnock, Municipal Judge for the City of Charleston, Mr. Steven D. Canterbury, Administrative Director and Mr. J. Kirk Brandfass, Administrative Counsel for the West Virginia Supreme Court of Appeals and yourself as Executive Director of the West Virginia Municipal League that the points you have each raised will be given close examination by the respective counsels assigned to prepare the abstracts for this rule while it is being addressed by the respective Senate and House of Delegates' committees assigned to review and act on the rule as submitted. If we have not been correct in our understanding and interpretation of the intent of the Legislature in passing this legislation which created the SCDL and how the monies collected from it are to be distributed there will be ample opportunities for the necessary change/s to be made in the rule as proposed or in the statute itself.

Each of your comments and my response to them will be filed with the Secretary of State's Office as part of the legislative rule making rule process concerning the required public comment period to new and/or existing legislative rules.

Please do not hesitate to contact me at (304) 558-8814, ext 53315 or [charles.a.sadler@wv.gov](mailto:charles.a.sadler@wv.gov) if you have any questions.

Sincerely,



Retired Captain Chuck Sadler  
Law Enforcement Professional  
Standards Program Manager

cc: Judge Charnock  
Mr. Canterbury  
Mr. Brandfass  
Mr. Staton  
Mr. S. Connolly  
Deputy Attorney General



COUNCILOR TOM OXLEY  
President, Oak Hill  
MAYOR ROBERT GREER  
Vice President, Bridgeport  
MAYOR STEVE WILLIAMS  
Secretary, Huntington  
MAYOR SERAFINO NOLLETTI  
Treasurer, Logan  
MAYOR CATHERINE GOINGS  
Clarksburg  
MAYOR CHARLES DELAUDER  
Middlebourne  
MAYOR DAVID VELEGOL  
Follansbee  
MAYOR MARTI SHAMBERGER  
Morgantown  
MAYOR RON STRAIGHT  
Fairmont  
MAYOR JIMMY COLOMBO  
Parkersburg  
MAYOR DENNIS FITZPATRICK  
Glennville  
MAYOR GEORGE KAROS  
Martinsburg  
MAYOR RANDY BARRETT  
Winfield  
MAYOR FRANK MULLENS  
South Charleston  
MAYOR TERRY GREENLEE  
Dunbar  
MAYOR DAVID MCCAULEY  
Buckhannon  
MAYOR THOMAS COLE  
Bluefield  
MAYOR MICHAEL KESSINGER  
Mt. Hope  
MAYOR H.H. HOWELL  
Madison  
MAYOR CHRIS TATUM  
Barboursville  
MAYOR JIM BLEVINS  
Man  
MAYOR ROB RAPPOLD  
Beckley  
MAYOR GENE SAUNDERS  
Moundsville  
MAYOR STEVE BOHRER  
New Martinsville  
MAYOR HAROLD MILLER  
Weirton  
COUNCILOR BILL BURDICK  
Fairmont  
COUNCILOR KEVIN KNOWLES  
Martinsburg  
COUNCILOR STANLEY BOYD  
Fayetteville  
COUNCILOR KATHY SANTORO  
Follansbee  
COUNCILOR DAVE PALMER  
Wheeling  
COUNCILOR JOHN ROCKHOLD, III  
Parkersburg  
CLERK JANET KELLER  
Fairmont  
CLERK DAMITA JOHNSON  
Oak Hill  
CITY MANAGER TRAVIS BLOSSER  
Weirton  
CITY MANAGER JOHN DESTEFANO  
Follansbee  
CLERK CONNIE SHAFFER  
Parliamentarian, Parkersburg  
CLERK SONDR A HEWITT  
Moundsville, Audit/Finance  
MAYOR GLEN CHESTNUT  
Belle, Audit/Finance  
LISA DOOLEY  
Executive Director  
CLERK JANICE JONES  
Chaplain, Wheeling  
COUNCILOR ANN WORLEY  
Immediate Past President, Beckley  
Past Presidents  
MAYOR JOHN MANCHESTER  
Lewisburg  
MAYOR DICK CALLAWAY  
St. Albans  
MAYOR TERRY WILLIAMS  
Spencer  
MAYOR DANNY JONES  
Charleston

August 15, 2016

Retired Captain Chuck Sadler  
Law Enforcement Professional Standards Coordinator  
Division of Justice and Community Services  
1204 Kanawha Boulevard, East  
Charleston, West Virginia 25301

Dear Mr. Sadler:

Thank you for the copy of **§149-9**, the proposed Rule Dealing with the William R. Laird, IV Second Chance Driver's License Program and your department's willingness to allow our representatives the opportunity to work with you as you implement the program. On behalf of the WV Municipal League, I am commenting on at least one item that should be amended/clarified before approved.

5.14. The director will distribute the payments, minus the five percent (5%) administrative process fee due to DJCS, collected from the participant to the court(s) for which the citations had resulted in the participant's suspensions or revocations and eligibility for the SCDL. Similar distribution will be made at the time that any Program Removal Notice is issued to a SCDL participant.

The Statute is clear in 17B-7-9 3(c) that 95% be accepted by the court as full payment; however, after speaking with the Treasurer's Office who is responsible for accepting the court's remittances, it is our understanding that they will only accept 100% of the amount due to be distributed each month to them. There lies the quandary. The Courts will be collecting 95% of the fines and fees as total payment and should only be mandated to remit that percentage as payment in full in their distributions to the State Treasurer. Municipal Courts should not be responsible for losing general fund dollars to subsidize this program or the program's participant. We are confident this was not the intent of the Legislature.

Finally, I have never run across this dilemma while working with proposed agency rules; therefore, I have no other means to seek change other than through the comment to these rules. My fiscal note of municipal dollars to subsidize the program as the rule is written could be more than \$150,000.00 per year. That is unacceptable to the League and the municipalities we represent.

Thank you for the opportunity and I hope these comments will be of use to you as you finalize the rule for submission.

Sincerely,

Lisa Dooley, Executive Director



Department of Military Affairs & Public Safety

August 26, 2016

The Honorable Anne B. Charnock  
Municipal Judge  
City of Charleston  
P O Box 2749  
Charleston, WV 25330

Re: Public Comment Concerning CSR §149-9

Dear Judge Charnock:

Thank-you for the public comment that you provided on behalf of the West Virginia Municipal League concerning Legislative Rule §149-9, which addresses the William R. Laird IV Second Chance Driver's License Program (SCDL). Thank-you as well for your support of the purpose of the program, that being to allow individuals eligible for the program to drive legally while moving to pay in full their respective unpaid court costs.

This rule was approved by the West Virginia Secretary of State's (WVSOS) Office on August 12, 2016 as an Emergency Rule and has been filed with the WVSOS for review and consideration as a new rule during the 2017 session of the West Virginia Legislature.

The language in Sections 5.14 and 5.15 of the rule are based on the statutes created in the West Virginia State Code with the passage and signing of Senate Bill 634 during the 2016 legislative session, specifically §17B-7-9 (2).

That subsection of the code states in part:

Ninety-five percent of the portions of the payments remaining after payment as required in subdivision (1) of this subsection shall be disbursed to the courts identified in the participant's consolidated repayment schedule. Courts shall accept and document these payments of ninety-five percent of the total unpaid court costs, not including court costs received pursuant to subdivision (1) of this Subsection, **as payment in full of the amount owed by the participant** (emphasis added) to the court for this portion of court costs owed;"

Notwithstanding any indication or information which you have received to the contrary the language of this subsection of the code is clear, and in line with the intent of the drafter of the legislation and the members of the legislature in passing SB 634, that the ninety-five percent payment for a person who has fully completed the program, and the courts have made distribution from, is considered to be full payment of the court costs owed under §17B-7-9 (2). The court/s to which the participant has owed money, and from which the distribution in 9 (2)



will be made, do not owe any additional monies beyond the ninety-five percent payment being made as to the unpaid court costs paid. The courts would not then be subsidizing the program as set up and operating at this time.

As such there is not a need to amend the rule as proposed and submitted to the WVSOS for review and approval during the upcoming legislative session. Any amendment to the proposed rule in line with your recommendation in your comment would therefore be contrary to the statute and not within our authority to recommend or do so.

While §17B-7-9 (1), the Subdivision (1) referred to when I cited the statute, was not raised as a concern by you I did want to state in this response that the statute does set forward in this subdivision that the "fine, forfeiture, or penalty" set by the involved court/s which is part of the monies collected under the SCDL will be paid 100% to the court/s.

I would note in closing that with the comments received by Ms. Lisa Dooley, Executive Director for the West Virginia Municipal League, Mr. Steven D. Canterbury, Administrative Director and Mr. J. Kirk Brandfass, Administrative Counsel for the West Virginia Supreme Court of Appeals and yourself as Municipal Judge for the City of Charleston that the points you have each raised will be given close examination by the respective counsels assigned to prepare the abstracts for this rule while it is being addressed by the respective Senate and House of Delegates' committees assigned to review and act on the rule as submitted. If we have not been correct in our understanding and interpretation of the intent of the Legislature in passing this legislation which created the SCDL and how the monies collected from it are to be distributed there will be ample opportunities for the necessary change/s to be made in the rule as proposed or in the statute itself.

Each of your comments and my response to them will be filed with the Secretary of State's Office as part of the legislative rule making rule process concerning the required public comment period to new and/or existing legislative rules.

Please do not hesitate to contact me at (304) 558-8814, ext 53315 or [charles.a.sadler@wv.gov](mailto:charles.a.sadler@wv.gov) if you have any questions.

Sincerely,



Retired Captain Chuck Sadler  
Law Enforcement Professional  
Standards Program Manager

cc: Ms. Dooley  
Mr. Canterbury  
Mr. Brandfass  
Mr. Staton  
Mr. S. Connolly  
Deputy Attorney General

**MUNICIPAL COURT  
CITY OF CHARLESTON**

Post Office Box 2749  
Charleston, West Virginia 25330  
(304)348-8079 Fax (304)348-6894

RECEIVED

AUG 24 2016

Division of Justice &  
Community Services

**Anne B. Charnock, Judge**

**Conrad Lucas, Clerk**

August 17, 2016

Charles Sadler  
DJCS- 2<sup>nd</sup> Floor  
1204 Kanawha Boulevard East  
Charleston, WV 25301

RE: William R Laird IV Second Chance Driver's License Program – Comment on Rules

Dear Mr. Sadler:

The City of Charleston supports the Second Chance Driver's License Program which provides an opportunity for citizens to regain their driving privileges and thus be employed. However the Program, as presently constituted, presents significant challenges to municipalities.

As written, Municipal Courts will receive 95% of the assessed court costs. These costs are established and allocated by statute. Court costs for criminal convictions are \$62; traffic cases \$57. All but \$2 of each set of costs is allocated to a state agency. The remaining \$2 is an administrative fee retained by municipalities. Thus, if five percent of the costs are retained by the Program, the funds remitted to the municipality are less than the funds required, by statute, to be returned to the State. In essence the municipality is subsidizing the Program under the proposed plan.

An alternative would be the participant pays a fee to the Program in addition to the fees and costs owed the municipality. Thus the municipality is not subsidizing the Program and the citizens using the Program will be supporting the Program.

Attached please find examples of court costs and fees as well as the remittance form created by the State Treasurer for the payment of court costs.

Thank you for your consideration of these issues.

Sincerely,

  
Anne B. Charnock, Municipal Judge



# West Virginia State Treasurer's Office

John D. Perdue, Treasurer

1900 Kanawha Boulevard East  
Charleston, WV 25305  
www.wvtreasury.com

Check Hotline: (304) 558-3599  
Toll Free: 1-866-243-9010

## REMITTANCE BY MUNICIPAL COURT – FY 2017



00270104

FOR THE MONTH OF \_\_\_\_\_ YEAR \_\_\_\_\_ TREAS NUMBER: \_\_\_\_\_

BY THE MUNICIPAL COURT OF \_\_\_\_\_, WEST VIRGINIA

REMITTANCE PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_

FUND	AUTHORITY	AMOUNT	REMITTED
<b>1 Crime Victim's Compensation Fund</b>	§14-2A-4(b)		
A Misdemeanor Offenses (except non-moving violations)	§14-2A-4(a)	\$8.00	1A
B DUI Fines per §17C-5-2	§14-2A-4(a)	20% of fine	1B
<b>2 Law Enforcement Training Fund</b>	§30-29-4(c)		
A Criminal fees	§30-29-4(a)	\$2.00	2A
B Bond forfeiture fees	§30-29-4(b)	\$2.00	2B
<b>3 Litter Control Fund</b>	§22-15A-4		
50% of Penalties Collected	§22-15A-4		3
<b>4 Regional Jail &amp; Correctional Facility Development Fund</b>	§31-20-10		
Traffic, moving violation, jail time offenses	§8-11-1	\$40.00	4
<b>5 W.Va. Community Corrections Fund</b>	§62-11C-4		
A Probation Fees	§62-11C-4(b)	\$0 - \$35/month	5A
B Home Confinement Fees	§62-11C-4(c)	\$2.50/day	5B
C Criminal Conviction Fees	§62-11C-4(d)	\$10.00	5C

**TOTAL REMITTANCE:** Due by 10th of following month

For questions about the state code, please contact the Municipal League at (304) 342-5564. For questions about the remittance form, please contact the Treasurer's Office at (304) 558-3599 or (304) 340-1578.

Please send the completed form to:

West Virginia State Treasurer's Office - Court Remittance Processing  
PO Box 40286  
Charleston, WV 25364