

H. B. 2027

(By Delegates Howell, Weld, Kurcaba, Hamrick, Canterbury, Zatezalo,
Ambler, McCuskey, Espinosa, D. Evans and Rowan)

[Introduced January 14, 2015; referred to the
Committee on the Judiciary.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §55-19-1, §55-19-2 and §55-19-3, all relating to requiring circuit courts to review foreign court judgments for jurisdiction before such orders may be enforced.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §55-19-1, §55-19-2 and §55-19-3, all to read as follows:

ARTICLE 19. REVIEW OF FOREIGN JUDGMENTS.

§55-19-1. Definitions.

In this article “foreign judgment” means any judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

§55-19-2. Review of Foreign Judgments.

Before an execution or other process may issue for enforcement of a foreign judgment filed with a clerk of a circuit court in accordance with article fourteen, chapter fifty-five of this code, the

1 circuit court in which the foreign judgment was filed shall review the judgment to determine whether
2 the issuing court had personal jurisdiction over the party subject to the foreign judgment at the time
3 such judgment was entered. In conducting a review, the court shall look to the facts contained in the
4 judgment itself and all available petitions or other documents containing facts related to the legal
5 action resulting in the foreign judgment under review. If the court determines that the issuing court
6 had personal jurisdiction over the person who is subject to the foreign judgment at the time the
7 foreign judgment was entered, execution or other process for enforcement of the foreign judgment
8 shall issue in accordance with the requirements of article fourteen, chapter fifty-five of this code.
9 However, if the circuit court determines that at the time the foreign judgment was issued the issuing
10 court lacked personal jurisdiction over the party subject to the judgment, the court shall declare the
11 judgment void and shall direct the clerk that execution or other process for enforcement of the
12 foreign judgment shall not issue.

13 **§55-19-3. Effect on Existing Laws.**

14 Nothing in this article shall be construed to prevent the enforcement of a foreign judgment
15 pursuant to an interstate compact enacted by chapter twenty-seven, chapter forty-eight, or chapter
16 forty-nine of this code.

NOTE: The purpose of this bill is to require courts to review foreign judgments for jurisdiction before such orders shall be enforced.

This article is new; therefore, it has been completely underscored.