

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 249**

BY SENATOR TRUMP

[Originating in the Committee on the Judiciary;

reported on February 16, 2017]

1 A BILL to amend and reenact §38-3-4 of the Code of West Virginia, 1931, as amended, relating  
2 generally to the information required in an abstract of judgment; including, to the extent  
3 possible, the present address and date of birth of the judgment debtor in abstract of  
4 judgment; and clarifying that compliance with this section does not constitute a violation  
5 of state law or create a civil cause of action.

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

1 That §38-3-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

**ARTICLE 3. JUDGMENT LIENS.**

**§38-3-4. Abstracts of judgments; damages or penalty for failure of clerk or justice to deliver.**

1 (a) The clerk of every court of this state shall, without delay, make out and deliver a duly  
2 certified abstract of every judgment rendered by such court, and every justice of the peace shall,  
3 without delay, make out and deliver a duly certified abstract of every judgment rendered by him  
4 or her or by any other justice, the docket of which judgment is in his or her possession and under  
5 his or her control, to any person interested therein who may demand the same, and pay or tender  
6 the fee therefor, in which abstract shall be stated: ~~(a)~~ (1) The names in full of the plaintiff or  
7 plaintiffs, and the defendant or defendants, as they appear in the papers and proceedings in the  
8 cause, and if the defendants are sued as partners, the individual names of such defendants, and  
9 also the partnership name shall be stated; ~~(b)~~ (2) the amount of the judgment and the amount of  
10 the costs, stating each separately; ~~(c)~~ (3) the value of the specific property ~~(if any)~~, recovered by  
11 it, and the damages, if any, for its detention; ~~(d)~~ (4) the date of the judgment and the court in  
12 which, or the justice by whom, the judgment was rendered; and (5) to the extent possible, the  
13 present address and the date of birth of the judgment debtor. Any clerk or justice who shall fail  
14 to deliver such abstract as herein required shall, together with the sureties in his or her official  
15 bond, be liable to the person injured by such failure for the amount of his or her injury, or such

16 injured person may, at his or her option, recover \$50 from such clerk or justice.

17 (b) Compliance with the provisions of subsection (a) of this section shall not constitute a  
18 violation of any other provision of this code, nor shall it form the basis for any common law cause  
19 of action.