

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2352

FISCAL
NOTE

BY DELEGATES SHOTT, CADLE, HIGGINBOTHAM,

ESPINOSA, WAXMAN AND PORTERFIELD

[Introduced January 14, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §58-5-1 of the Code of West Virginia, 1931, as amended, relating
 2 to appeals as a matter of right in the West Virginia Supreme Court of Appeals; and
 3 providing that all appeals shall be afforded a full and meaningful review, an opportunity to
 4 be heard, and a written decision on the merits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. APPELLATE RELIEF IN SUPREME COURT OF APPEALS.

§58-5-1. Appeal as a matter of right; when appeal lies.

1 (a) All appeals shall be afforded a full and meaningful review, and an opportunity to be
 2 heard, by the West Virginia Supreme Court of Appeals, and a written decision on the merits shall
 3 be issued, as a matter of right.

4 (b) A party to a civil action may appeal to the Supreme Court of Appeals from a final
 5 judgment of any circuit court or from an order of any circuit court constituting a final judgment as
 6 to one or more but fewer than all claims or parties upon an express determination by the circuit
 7 court that there is no just reason for delay and upon an express direction for the entry of judgment
 8 as to such claims or parties.

9 (c) The defendant in a criminal action may appeal to the Supreme Court of Appeals from
 10 a final judgment of any circuit court in which there has been a conviction or which affirms a
 11 conviction obtained in an inferior court.

NOTE: The purpose of this bill is to clarify that appeals to the Supreme Court are a matter of right and that every party has an opportunity to be heard and to obtain a written decision on the merits of the appeal.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.