

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 548**

By Senator Trump

[Introduced January 25, 2024; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §51-11-4 of the Code of West Virginia, 1931, as amended, relating to  
2 the appellate jurisdiction of the Intermediate Court of Appeals.

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

**ARTICLE 11. THE WEST VIRGINIA APPELLATE REORGANIZATION ACT.**

**§51-11-4. Jurisdiction; limitations.**

1 (a) The Intermediate Court of Appeals has no original jurisdiction.

2 (b) Unless specifically provided otherwise in this article, appeals of the following matters  
3 shall be made to the Intermediate Court of Appeals, which has appellate jurisdiction over such  
4 matters:

5 (1) Final judgments or orders of a circuit court in all civil cases involving legal or equitable  
6 relief, entered after June 30, 2022: *Provided*, That the Supreme Court of Appeals may, on its own  
7 accord, obtain jurisdiction over any civil case filed in the Intermediate Court of Appeals;

8 (2) Final judgments or orders of a family court, entered after June 30, 2022, except for final  
9 judgments or final orders issued by a family court in any domestic violence proceeding pursuant to  
10 W. Va. Code §48-27-1 *et seq.* of this code, which appeals shall first be made to a circuit court;

11 (3) Final judgments or orders of a circuit court concerning guardianship or conservatorship  
12 matters, entered after June 30, 2022, pursuant to §44A-1-1 *et seq.* of this code;

13 (4) Final judgments, orders, or decisions of an agency or an administrative law judge  
14 entered after June 30, 2022, heretofore appealable to the Circuit Court of Kanawha County  
15 pursuant to §29A-5-4 or any other provision of this code;

16 (5) Final orders or decisions of the Health Care Authority issued prior to June 30, 2022, in a  
17 certificate of need review, but transferred to the jurisdiction of the Intermediate Court of Appeals  
18 upon termination of the Office of Judges pursuant to §16-2D-16a of this code;

19 (6) Final orders or decisions issued by the Office of Judges after June 30, 2022, and prior  
20 to its termination, as provided in §16-2D-16 and §23-5-8a of this code; and

21 (7) Final orders or decisions of the Workers' Compensation Board of Review pursuant to

22 §23-5-1 *et seq.* of this code, entered after June 30, 2022.

23 (c) In appeals properly filed pursuant to subsection (b) of this section, the parties shall be  
24 afforded a full and meaningful review on the record of the lower tribunal and an opportunity to be  
25 heard.

26 (d) The Intermediate Court of Appeals does not have appellate jurisdiction over the  
27 following matters:

28 (1) Judgments or final orders issued in any criminal proceeding in this state: *Provided*, That  
29 if the West Virginia Supreme Court of Appeals should adopt a policy of discretionary review of  
30 criminal appeals then the Intermediate Court of Appeals shall have appellate jurisdiction of such  
31 judgments or final orders;

32 (2) Judgments or final orders issued in any juvenile proceeding pursuant to §49-4-701 *et*  
33 *seq.* of this code;

34 (3) Judgments or final orders issued in child abuse and neglect proceedings pursuant to  
35 §49-4-601 *et seq.* of this code;

36 (4) Orders of commitment, issued pursuant to §27-5-1 *et seq.* of this code;

37 (5) Any proceedings of the Lawyer Disciplinary Board;

38 (6) Any proceedings of the Judicial Investigation Commission;

39 (7) Final decisions of the Public Service Commission, issued pursuant to §24-5-1 of this  
40 code;

41 (8) Interlocutory appeals;

42 (9) Certified questions of law;

43 (10) ~~Extraordinary remedies, as provided in §53-1-1 *et seq.* of this code, and any appeal of~~  
44 ~~a decision or order of another court regarding an extraordinary remedy~~ Judgments or final orders  
45 where the relief sought is the extraordinary remedy of habeas corpus as provided in §53-4A-1 *et*  
46 *seq.* of this code; and

47 (11) Judgments or final orders issued by circuit court upon its review of a family court

- 48 judgment or final order in any domestic violence proceeding pursuant to §48-27-101 *et seq.* of this  
49 code.

NOTE: The purpose of this bill is to amend the appellate jurisdiction of the Intermediate Court of Appeals.

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