

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 548**

BY SENATOR TRUMP

[Originating in the Committee on the Judiciary;

reported February 6, 2024]



1 A BILL to amend and reenact §51-11-4 of the Code of West Virginia, 1931, as amended, relating  
2 to clarifying 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, including, but not limited  
6 to, those in which there is a request for legal or equitable relief, entered after June 30, 2022:  
7 *Provided*, That the Supreme Court of Appeals may, on its own accord, obtain jurisdiction over any  
8 civil case filed in the Intermediate Court of Appeals;

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

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

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

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

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

23 (7) Final orders or decisions of the Workers' Compensation Board of Review pursuant to  
24 §23-5-1 *et seq.* of this code, entered after June 30, 2022.

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

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

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

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

36 (3) Judgments or final orders issued in child abuse and neglect proceedings pursuant to  
37 §49-4-601 *et seq.* of this code;

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

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

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

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

43 (8) Interlocutory appeals;

44 (9) Certified questions of law;

45 (10) ~~Extraordinary remedies, as provided in §53-1-1 *et seq.* of this code, and any appeal~~  
46 ~~of a decision or order of another court regarding an extraordinary remedy~~ Judgments or final

47 orders issued in proceedings where the relief sought is one or more of the following extraordinary  
48 remedies: writ of prohibition, writ of mandamus, writ of quo warranto, writ of certiorari, writ of  
49 habeas corpus, special receivers, arrests in civil cases, and personal safety orders; and

50 (11) Judgments or final orders issued by circuit court upon its review of a family court  
51 judgment or final order in any domestic violence proceeding pursuant to §48-27-101 *et seq.* of  
52 this code.