

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 274**

BY SENATOR WALTERS

[Introduced January 14, 2016; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §50-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 to civil jurisdiction of magistrate courts; and allowing circuit courts to send cases to  
3 magistrate courts.

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

1 That §50-2-1 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted, to read as follows:

## **ARTICLE 2. JURISDICTION AND AUTHORITY.**

### **§50-2-1. Civil jurisdiction.**

1 Except as limited herein and in addition to jurisdiction granted elsewhere to magistrate  
2 courts, such courts shall have jurisdiction of all civil actions wherein the value or amount in  
3 controversy or the value of property sought, exclusive of interest and cost, is not more than ~~\$5,000~~  
4 \$30,000. Circuit courts may send any civil case where the amount in controversy is \$30,000 or  
5 less to magistrate courts for trial. Magistrate courts shall have jurisdiction of all matters involving  
6 unlawful entry or detainer of real property or involving wrongful occupation of residential rental  
7 property, so long as the title to such property is not in dispute. Except as the same may be in  
8 conflict with the provisions of this chapter, the provisions of article three, chapter fifty-five of this  
9 code, regarding unlawful entry and detainer, shall apply to such actions in magistrate court.  
10 Magistrate courts shall have jurisdiction of actions on bonds given pursuant to the provisions of  
11 this chapter. Magistrate courts shall have continuing jurisdiction to entertain motions in regard to  
12 post-judgment process issued from magistrate court and decisions thereon may be appealed in  
13 the same manner as judgments.

14 Magistrate courts ~~shall do~~ not have jurisdiction of actions in equity, of matters in eminent  
15 domain, of matters in which the title to real estate is in issue, of proceedings seeking satisfaction  
16 of liens through the sale of real estate, of actions for false imprisonment, of actions for malicious  
17 prosecution or of actions for slander or libel or of any of the extraordinary remedies set forth in  
18 chapter fifty-three of this code.

19           Magistrates, magistrate court clerks, magistrate court deputy clerks, and magistrate  
20 assistants shall have the authority to administer any oath or affirmation, to take any affidavit or  
21 deposition, unless otherwise expressly provided by law, and to take, under such regulations as  
22 are prescribed by law, the acknowledgment of deeds and other writings.

NOTE: The purpose of this bill is to raise the civil jurisdiction of magistrate courts to cases where the amount in controversy is \$25,000 or less. It also allows circuit courts to send such cases down to magistrate courts.

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