

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 3030

BY DELEGATE SHOTT, MR. SPEAKER, MR. ARMSTEAD AND

CAPITO

[Originating in the Committee on the Judiciary;

March 16, 2017.]

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 every party shall be afforded an opportunity to be heard and a written
4 decision on the merits on appeal.

Be it enacted by the Legislature of West Virginia:

1 That §58-5-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

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 Supreme Court of Appeals, and a written decision on the merits shall be issued, as
3 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.