

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2685

FISCAL
NOTE

BY DELEGATES SOBONYA, ROMINE, C., MILLER, C.,

WESTFALL, ATKINSON, HOUSEHOLDER, FRICH,

OVERINGTON, SUMMERS AND FOLK

[Introduced February 23, 2017; Referred

to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §51-4-8, relating to clerks of circuit courts and the duty to publish reports of
 3 court cases that have exceeded the time standards for resolution and disposition.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended to include a new section,
 2 designated §51-4-8, to read as follows:

ARTICLE 4. GENERAL PROVISIONS RELATING TO CLERKS OF COURTS.

§51-4-8. Transparency in time frame compliance; production of case reports.

1 Every clerk of a circuit court shall keep records of the length of time in which each case is
 2 pending upon the docket of the court without final disposition. The clerk shall on a regular basis,
 3 no less than every quarter of the year, submit a report to the Supreme Court of Appeals, the
 4 Legislature and the Governor, listing all pending cases which have exceeded the time standards
 5 for trial courts as established by rules of the West Virginia Supreme Court of Appeals. For each
 6 case listed, the report shall include the following information:

- 7 (1) The docket or case number assigned by the clerk,
- 8 (2) The style or public name of the case (using conventional references to protect the
 9 privacy of the parties in cases involving confidential matters);

- 10 (3) The date of initiation of the case;

- 11 (4) The date of the last activity on the docket of the court and a description of that action;

12 and

- 13 (5) The name of the judge assigned to the case.

14 For purposes of compliance with this reporting requirement, reports may be submitted in
 15 an electronic format and shall be presented to the Administrative Director for the Supreme Court
 16 of Appeals, to the Legislature’s Director of Public Information for the Joint Committee on
 17 Government and Finance, and to the office or person designated by the Governor to receive and
 18 review these reports.

- 19 Every circuit clerk shall retain copies of each regular report for a minimum of one year
20 after the date of the report and shall make copies available to the public upon request.

NOTE: The purpose of this bill is to require that information regarding case delays in the courts is to be provided to the public on a regular basis.

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