

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2731**

BY DELEGATES SHOTT, R. MILLER, KESSINGER, LANE AND

BYRD

[BY REQUEST OF THE WEST VIRGINIA SUPREME COURT  
OF APPEALS]

[Introduced February 28, 2017; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §51-2-2 of the code of West Virginia, 1931, as amended, relating  
 2 to clarifying that only civil actions with controversial amounts exceeding \$10,000 must be  
 3 heard in circuit court, except in actions relating to real estate installment sales contracts  
 4 or actions confined exclusively by the Constitution to some other tribunal.

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

1 That §51-2-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

**ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.**

**§51-2-2. Jurisdiction.**

1 (a) The circuit court shall have supervision and control of all proceedings before  
 2 magistrates, by mandamus, prohibition and certiorari.

3 (b) Except in cases confined exclusively by the Constitution to some other tribunal, the  
 4 circuit court shall have original and general jurisdiction of all matters at law where the amount in  
 5 controversy, excluding interest, exceeds ~~\$2,500~~ \$10,000: *Provided*, That the jurisdictional limit on  
 6 amounts in controversy does not apply to real estate installment sales contracts.

7 (c) The circuit court shall have original and general jurisdiction in all of the following  
 8 matters:

- 9 (1) Habeas corpus;
- 10 (2) Mandamus;
- 11 (3) Quo warranto;
- 12 (4) Prohibition;
- 13 (5) Crimes; and
- 14 (6) Misdemeanors.

15 (d) The circuit court shall have original and general jurisdiction in all cases in equity,  
 16 including jurisdiction in equity to remove any cloud on the title to real property, or any part of a  
 17 cloud, or any estate, right or interest in the real property, and to determine questions of title with

18 respect to the real property without requiring allegations or proof of actual possession of the real  
19 property.

20 (e) The circuit court shall have appellate jurisdiction in all cases, civil and criminal, where  
21 an appeal, writ of error or supersedeas may be allowed to the judgment or proceedings of any  
22 inferior tribunal.

23 (f) The circuit court shall also have any other jurisdiction, whether supervisory, original,  
24 appellate or concurrent, as is or may be prescribed by law.

NOTE: The purpose of this bill is to clarify that only civil actions with controversial amounts exceeding \$10,000 must be heard in circuit court, except in actions relating to real estate installment sales contracts or actions confined exclusively by the Constitution to some other tribunal. During the 2016 Regular Legislative Session, the Legislature passed SB 274 which increased the civil jurisdictional amount in magistrate court from \$2,500 to \$10,000. However, the Legislature failed to amend the circuit court jurisdictional statute to specify that the controversial amount, excluding interest, must exceed \$10,000.

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