

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

## **House Bill 2028**

BY DELEGATE FOLK, HANSHAW, SHOTT, DEAN,  
FLEISCHAUER, FLUHARTY, MCGEEHAN, PAYNTER, MARTIN  
AND WILSON

[ Introduced February 8, 2017; Referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §14-2-2 of the Code of West Virginia, 1931, as amended, relating  
 2 to the venue for suits and other actions against the state; allowing a pro se plaintiff or  
 3 petitioner to file a claim or petition against the state, a state officer, or state agency in the  
 4 circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose.

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

1 That §14-2-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

**ARTICLE 2. CLAIMS AGAINST THE STATE.**

**§14-2-2. Venue for certain suits and actions.**

1 (a) The following proceedings shall be brought and prosecuted only in the circuit court of  
 2 Kanawha County:

3 (1) Any suit in which the Governor, any other state officer, or a state agency is made a  
 4 party defendant, except as garnishee or suggestee.

5 (2) Any suit attempting to enjoin or otherwise suspend or affect a judgment or decree on  
 6 behalf of the state obtained in any circuit court.

7 (b) Any proceeding for injunctive or mandamus relief involving the taking, title, or collection  
 8 for or prevention of damage to real property may be brought and presented in the circuit court of  
 9 the county in which the real property affected is situate.

10 (c) Notwithstanding the requirements of this section, an action or proceeding against the  
 11 state, a state officer or state agency by or on behalf of a plaintiff or petitioner who is appearing in  
 12 the action or proceeding pro se may be brought and prosecuted in the circuit court of any county  
 13 wherein the plaintiff or petitioner resides or where the cause of action arose.

14 (d) This section shall apply only to such proceedings as are not prohibited by the  
 15 Constitutional immunity of the state from suit under section thirty-five, article six of the Constitution  
 16 of the State.

NOTE: The purpose of this bill is to allow a pro se plaintiff or petitioner to file a claim or

petition against the state, a state officer, or state agency in the circuit court of a county in which the plaintiff or petitioner resides or in which a claim arose.

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