

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 466**

BY SENATORS TRUMP AND WELD

[Passed March 08, 2022; in effect 90 days from passage]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §25-1A-9, relating to limitations on civil actions or appeals brought by inmates  
3 by prohibiting an inmate to proceed in forma pauperis in civil actions when an inmate has,  
4 on three or more prior occasions, had a civil action or appeal dismissed on the grounds  
5 that the action was frivolous, malicious, or failed to state a claim upon which relief may be  
6 granted, unless permitted by a circuit court; exempting civil actions where an inmate  
7 alleges imminent danger of serious physical injury and states with particularity the factual  
8 basis of the assertion; and further exempting actions where the inmate seeks habeas relief  
9 relating solely to the propriety of custody.

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

**ARTICLE 1A. WEST VIRGINIA PRISONER LITIGATION REFORM ACT.**

**§25-1A-9. Limitations on civil actions brought by prisoners in forma pauperis.**

1 (a) Absent an order of a circuit court permitting the filing, an inmate is not permitted to  
2 proceed in forma pauperis when bringing a civil action or appealing a judgment in a civil action or  
3 proceeding if he or she has, on three or more occasions, while incarcerated or detained in any  
4 correctional facility, brought an action or appeal in any court of this state that was dismissed on  
5 the grounds it was frivolous, malicious, or failed to state a claim upon which relief may be granted,  
6 unless the inmate is under imminent danger of serious physical injury.

7 (b) Any civil action asserting an inmate is under imminent danger of serious physical injury  
8 shall state with particularity the factual basis of the assertion.

9 (c) The provisions of subsection (a) of this section do not apply to an inmate seeking a writ  
10 of habeas corpus ad subjiciendum relating solely to the propriety of an inmate's custody.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2022.

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*Governor*