

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 466**

BY SENATORS TRUMP AND WELD

[Originating in the Committee on the Judiciary;  
reported on February 23, 2022]



1 A BILL 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.