

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

**Introduced**

### **House Bill 4599**

BY DELEGATES SKINNER, FLEISCHAUER, CAMPBELL,  
GUTHRIE, FLUHARTY, MILEY, MANCHIN, REYNOLDS,  
WHITE, P., ELDRIDGE AND BYRD

[Introduced February 17, 2016; 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 article,  
 2 designated §61-14-1, relating to extending the statute of limitations in personal actions for  
 3 damages for victims of criminal actions.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 article, designated §61-14-1, to read as follows:

**ARTICLE 14. EXTENDING STATUTE OF LIMITATIONS FOR VICTIMS OF CRIMINAL  
 ACTIONS.**

**§61-14-1. Suspension of limitations during criminal proceedings; when civil action may  
 be brought.**

1 (a) In any personal action for damages, if a criminal prosecution arising out of the same  
 2 facts is commenced, the time the prosecution is pending shall not be computed as part of the  
 3 period within which the civil action may be brought. For purposes of this section, the time during  
 4 which a prosecution is pending shall be calculated from the date of the issuance of a warrant,  
 5 summons or capias; the return or filing of an indictment or information; or the defendant's first  
 6 appearance in any court as an accused in the prosecution, whichever date occurs first, until the  
 7 date of the final judgment or order in the trial court, the date of the final disposition of any direct  
 8 appeal in state court, or the date on which the time for noting an appeal has expired, whichever  
 9 date occurs last. Thereafter, the civil action may be brought within the remaining period of the  
 10 statute or within one year, whichever is longer.

11 (b) If a criminal prosecution is commenced and a grand jury indictment is returned or a  
 12 grand jury indictment is waived after the period within which a civil action arising out of the same  
 13 set of facts may be brought, a civil action may be brought within one year of the date of the final  
 14 judgment or order in the trial court, the date of the final disposition of any direct appeal in state  
 15 court, or the date on which the time for noting an appeal has expired, whichever date occurs last.

NOTE: The purpose of this bill is to extend the statute of limitations for victims of criminal actions.

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