

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2761

By Delegates Akers, Maynor, Barnhart, Criss, D.

Cannon, and Funkhouser

[Originating in the Standing Committee on the

Judiciary; reported March 6, 2025]

1 A BILL to amend and reenact §50-2-1 and §50-4-4a of the Code of West Virginia, 1931, as
2 amended, relating to increasing the jurisdictional limits of magistrate courts in civil actions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. JURISDICTION AND AUTHORITY.

§50-2-1. Civil jurisdiction.

1 Except as limited herein and in addition to jurisdiction granted elsewhere to magistrate
2 courts, such courts shall have jurisdiction of all civil actions wherein the value or amount in
3 controversy or the value of property sought, exclusive of interest and cost, is not more than
4 ~~\$10,000~~ \$20,000. Magistrate courts shall have jurisdiction of all matters involving unlawful entry or
5 detainer of real property or involving wrongful occupation of residential rental property, so long as
6 the title to such property is not in dispute. Except as the same may be in conflict with the provisions
7 of this chapter, the provisions of article three, chapter fifty-five of this code, regarding unlawful
8 entry and detainer, shall apply to such actions in magistrate court. Magistrate courts shall have
9 jurisdiction of actions on bonds given pursuant to the provisions of this chapter. Magistrate courts
10 shall have continuing jurisdiction to entertain motions in regard to post-judgment process issued
11 from magistrate court and decisions thereon may be appealed in the same manner as judgments.

12 Magistrate courts do not have jurisdiction of actions in equity, of matters in eminent
13 domain, of matters in which the title to real estate is in issue, of proceedings seeking satisfaction of
14 liens through the sale of real estate, of actions for false imprisonment, of actions for malicious
15 prosecution or of actions for slander or libel or of any of the extraordinary remedies set forth in
16 chapter fifty-three of this code.

17 Magistrates, magistrate court clerks, magistrate court deputy clerks and magistrate
18 assistants shall have the authority to administer any oath or affirmation, to take any affidavit or
19 deposition, unless otherwise expressly provided by law, and to take, under such regulations as are
20 prescribed by law, the acknowledgment of deeds and other writings.