WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

**FISCAL NOTE**

Introduced

House Bill 3271

By Delegates Akers, Leavitt, Flanigan, Funkhouser, and Kelly

[Introduced March 10, 2025; referred to the Committee on the Judiciary]

A BILL to amend and reenact §51-1-12 and §51-3-4 of the Code of West Virginia, 1931, as amended, relating to authorizing digital court records; providing duties of clerk of Supreme Court of Appeals or designated staff to include preserving digital and physical court records; requiring orders to be entered in a book or kept digitally by clerk of court; and removing requirement that order books be signed by judge or presiding officer.

Be it enacted by the Legislature of West Virginia:

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-12. Duties of clerk.

It shall be the duty of the clerk of the Supreme Court of Appeals to attend in person, or by ~~deputy~~ designated staff, all the sessions of the court, to obey its orders and directions ~~in term time and in vacation~~, to ~~take care of and~~ preserve ~~in an office, kept for the purpose,~~ all digital and physical court records ~~and papers of the court~~, and to perform such other duties as may be prescribed by law or required ~~of him~~ by the court.

ARTICLE 3. COURTS IN GENERAL.

§51-3-4. Records.

The ~~proceedings~~ orders of every court shall be entered in a book or kept digitally by the clerk of court. ~~and in the discretion of the court may be caused to be read, and after being corrected, where it is necessary, shall be signed by the judge or presiding officer on the following day, except those of the last day of the term and of the day on which the court may adjourn to a future day as prescribed in article two of this chapter, which shall be drawn up and corrected, where it is necessary, and signed by the judge or officer on the same day:~~ *~~Provided,~~* ~~That where microfilm, photocopies or some other similar reproduction process is used to copy the original orders of such proceedings for entry in the book, and such original orders have been signed by the judge or presiding officer, it shall not be necessary for the judge or presiding officer to personally sign such copies entered in the book.~~

NOTE: The purpose of this bill is to authorize courts to maintain orders in digital form.

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