

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3271

**FISCAL
NOTE**

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

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

1 A BILL to amend and reenact §51-1-12 and §51-3-4 of the Code of West Virginia, 1931, as
2 amended, relating to authorizing digital court records; providing duties of clerk of Supreme
3 Court of Appeals or designated staff to include preserving digital and physical court
4 records; requiring orders to be entered in a book or kept digitally by clerk of court; and
5 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.

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

ARTICLE 3. COURTS IN GENERAL.

§51-3-4. Records.

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

10 ~~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.