WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3275

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 §58-5-4 of the Code of West Virginia, 1931, as amended, relating to time for appeal; providing that the time for filing a notice of appeal, perfecting an appeal, and filing related documents with the Intermediate Court of Appeals and Supreme Court of Appeals shall be in accordance with rules promulgated by the Supreme Court of Appeals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. APPELLATE RELIEF IN THE INTERMEDIATE COURT OF APPEALS AND THE SUPREME COURT OF APPEALS.

§58-5-4. Time for appeal.

~~No petition shall be presented for an appeal from any judgment rendered more than four months before such petition is filed with the clerk of the court where the judgment being appealed was entered:~~ *~~Provided,~~* ~~That the judge of the circuit court may, prior to the expiration of such period of four months, by order entered of record extend and reextend such period for such additional period or periods, not to exceed a total extension of two months, for good cause shown, if the request for preparation of the transcript was made by the party seeking such appellate review within thirty days of the entry of such judgment, decree or order.~~

The time for filing a notice of appeal, perfecting an appeal, and filing related documents with the Intermediate Court of Appeals and the Supreme Court of Appeals shall be in accordance with rules promulgated by the Supreme Court of Appeals.

NOTE: The purpose of this bill is to update the statute governing timing for appeals, as appeals are no longer initiated by the filing of a "petition".

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